

U.S. COMMISSION ON CIVIL RIGHTS  
CIVIL RIGHTS AND VOTING IN ILLINOIS

Thursday, March 9, 2017

STENOGRAPHIC REPORT OF PROCEEDINGS

had in the above-mentioned matter held at the Ralph  
H. Metcalfe Federal Building, 3rd Floor, 77 West  
Jackson Boulevard, Chicago, Illinois, commencing at  
8:08 o'clock a.m.

ILLINOIS ADVISORY COMMITTEE MEMBERS PRESENT:

MR. JUAN CARLOS LINARES, Chair

MS. JOANNA BOHDZIEWICZ-BOROWIEC

MS. CINDY BUYS

MR. KENDRIC COBB

MR. TREVOR COPELAND

MR. RICHARD GARCIA

MS. TABASSUM HALEEM

MR. WILLIAM HOWARD

MR. REYHAD KAZMI

MR. MALIK NEVELS

MS. EVELYN RODRIGUEZ

MS. ANNE WORTHAM

Reported By: Anna M. Morales, CSR, RMR

License No.: 084-002854



1 (whereupon, the following  
2 proceedings commenced at  
3 8:08 o'clock a.m.)

4 CHAIRMAN LINARES: This meeting of the Illinois  
5 Advisory Committee to the U.S. Commission on Civil  
6 Rights shall come to order.

7 My name is Juan Carlos Linares. I am the  
8 Chair of this committee. Members of the committee  
9 are also present today, and I would like for them  
10 to introduce themselves starting with Ms. Anne  
11 Wortham.

12 MS. WORTHAM: Again, good morning. I'm  
13 Anne Wortham, and I am an Associate Professor of  
14 Sociology at Illinois State University, Department  
15 of Anthropology and Sociology.

16 MR. COPELAND: My name is Trevor Copeland. I'm  
17 an attorney in private practice at Brinks Gilson &  
18 Lione. I do primarily patent prosecution and have  
19 been involved as a committee member for about four,  
20 five years now.

21 MR. COBB: Good morning. Kendrick Cobb. I'm  
22 here in Chicago. I'm an attorney also, inhouse  
23 counsel, compliance labor and employment.

24 MS. BUYS: Good morning. My name is



1 Cindy Buys, and I'm a professor of law down at  
2 Southern Illinois University at the other end of  
3 the state.

4 MS. BOHDZIEWICZ-BOROWIEC: Good morning. I'm  
5 Joanna Bohdziewicz-Borowiec. My areas are  
6 community development and immigrant rights in  
7 particular.

8 MS. RODRIGUEZ: Good morning, I am  
9 Evelyn Rodriguez. I serve as an advisor in the  
10 Office of the Mayor, City of Chicago.

11 MS. HALEEM: Good morning. I'm  
12 Tabassum Haleem. I'm a CPA by profession. Most  
13 recently, I was the Executive Director of the  
14 Council of Islamic Associations of Greater Chicago.  
15 welcome.

16 CHAIRMAN LINARES: Thank you, everyone. And  
17 we'll have some other committee members join us  
18 later in the day, and as they come, they'll  
19 introduce themselves as well when they arrive.

20 Again, I'm Juan Carlos Linares, and I'm  
21 also the Executive Director of the Latin United  
22 Community Housing Commission otherwise known as  
23 LUCHA.

24 We have some other friends here who are



1 staff of both the U. S. Commission on Civil Rights  
2 and the Illinois division. I'll name them for now,  
3 and if you can either raise your hand or present  
4 yourselves to show you are present.

5 Mr. Mauro Morales, U.S. Commission on  
6 Civil Rights staff director. Mr. David Mussatt.  
7 Is he here? He's the Supervisory Chief of the  
8 Region Programs Unit. Melissa Wojnaroski, Civil  
9 Rights Analyst here in Chicago. David Paredes.  
10 He's not here. He's a Civil Rights Analyst.  
11 Anna Fortes. She's in the back. She's also a  
12 Civil Rights Analyst. Carolyn Allen is in the back  
13 doing work. She's the administrative assistant for  
14 the Chicago office. Victoria Moreno. There she  
15 is, front row. She's a civil rights intern here in  
16 Chicago office. Olivia Wilk. She's a civil rights  
17 intern as well. And then one more intern,  
18 Brianna Davidson.

19 So we are honored to have our staff  
20 director, Mauro Morales, who is with the  
21 U.S. Commission on Civil Rights, as I mentioned.  
22 Mr. Morales, he will be addressing you in a moment.

23 For now, Mr. Kazmi has joined us. If you  
24 could briefly introduce yourself and where you're



1 working or where you're from.

2 MR. KAZMI: Okay. Hi. My name is  
3 Reyhad Kazmi. I obviously serve here on the  
4 Advisory Committee. I'm here from Chicago. Work  
5 for an organization called National Youth Advocate  
6 Program and also a consultant.

7 CHAIRMAN LINARES: Thank you, Mr. Kazmi.

8 So the U.S. Commission on Civil Rights is  
9 an independent bipartisan agency of the federal  
10 government charged with studying discrimination or  
11 denial of equal protection of the laws because of  
12 race, color, religion, sex, age, disability or  
13 national origin or in the administration of  
14 justice.

15 In each of the 50 states and the District  
16 of Columbia, an Advisory Committee to the  
17 Commission has been established, and they are made  
18 up of responsible persons who serve without  
19 compensation to advise the Commission on relevant  
20 information concerning their respective states.

21 Today, our purpose is to hear testimony  
22 regarding the state of voting rights in Illinois  
23 and related civil concerns. With an unprecedented  
24 election behind us, the issues of voting rights and



1 access to the ballot have never been more  
2 prominent. This Committee has determined that as  
3 an issue of paramount importance in exercising  
4 one's constitutional rights, we must more closely  
5 explore the state of voting rights and ballot  
6 access in Illinois.

7 Today's testimony is intended to explore  
8 this critical issue in greater detail and to make  
9 recommendations to the U.S. Commission on Civil  
10 Rights to address outstanding civil rights concerns  
11 as they pertain to voting. As speakers begin to  
12 veer away from civil rights questions at hand and  
13 to discuss possibly important but unrelated topics,  
14 I will interrupt and ask them to refrain from doing  
15 so.

16 At the conclusion of today's meeting, the  
17 Committee intends to prepare a report to the U.S.  
18 Commission on Civil Rights detailing findings and  
19 recommendations for addressing this issue of  
20 national importance.

21 The report will be available for public  
22 review, and we are grateful to all the panelists  
23 and members of the public for their willingness to  
24 share their related experiences with us today.



1           At the outset, I want to remind everyone  
2 present of the ground rules. This is a public  
3 meeting open to the media and to the general  
4 public. We have a very full schedule of people who  
5 will be making presentations within the limited  
6 time available. The allotted time for each  
7 presentation must be strictly adhered to. This  
8 will include a presentation by each participant of  
9 approximately 10 to 12 minutes.

10           After all the panelists have concluded  
11 their statements, the Committee members will engage  
12 them in question and answer. To accommodate  
13 persons who are not on the agenda but wish to make  
14 statements, we have scheduled an open forum today  
15 at 4:15 p.m. Anyone wishing to make a statement  
16 during that period should contact  
17 Melissa Wojnaroski or other Commission staff to  
18 have your name placed on a list of speakers.

19           In addition, written statements may be  
20 submitted to the Committee members or staff present  
21 here today or they may be sent to -- they may be  
22 sent by mail to the U.S. Commission on Civil Rights  
23 at 55 West Monroe Street, Suite 410, Chicago,  
24 Illinois, 60603, or by e-mail to



1 Melissa Wojnaroski, and her card and information  
2 are available at the sign-in desk -- behind the  
3 sign-in desk.

4           Though some of the statements made today  
5 may be controversial, we want to ensure that all  
6 invited guests do not defame or degrade any person  
7 or any organization. As Chair, I reserve the  
8 privilege to cut short any statements that defame,  
9 degrade or do not pertain to the issue at hand.  
10 Committee members may also speak up if they feel  
11 that this is occurring.

12           In order to ensure that all aspects of the  
13 issues are represented, knowledgeable persons with  
14 a wide variety of experience and view points have  
15 been invited to share information with us. Any  
16 person or any organization that feels defamed or  
17 degraded by statements made in these proceedings  
18 should contact our staff during the meeting so that  
19 we can provide a chance for public response.

20           Alternately, such persons or organizations  
21 can file written statements for inclusion in the  
22 proceedings.

23           The Advisory Committee appreciates the  
24 willingness of all participants to share their





1 views and experiences with this committee.

2 Finally, the rules for the question and  
3 answer portion of the panel discussion are as  
4 follows: The Committee may ask questions of the  
5 entire panel or to individual members of the panel  
6 after all panelists have had the opportunity to  
7 provide their prepared statement. There will be  
8 one exception to that later. The Advisory  
9 Committee members must be recognized by the Chair  
10 before asking any questions of the participants.

11 In addition, because of the large number  
12 of members and short amount of time, each Committee  
13 member will be limited to one question plus a  
14 follow-up. Exceptions will occur from time to  
15 time. When five minutes are left in the session,  
16 the Chair will announce that the last question may  
17 be asked.

18 At this time, I would like to turn the  
19 podium over to Mr. Mauro Morales, staff director of  
20 the U.S. Commission on Civil Rights.

21 MR. MORALES: Thank you, Juan Carlos, and thank  
22 you, panelists, for coming and attending this  
23 morning and for all the rest of them that will  
24 come. And more importantly, I thank all of you for



1 your time.

2 I bring greetings from the Chair of the  
3 U.S. Commission, Catherine E. Lhamon. She was  
4 appointed in December and voted by the majority of  
5 Commissioners to become the Chair. And so she  
6 unfortunately had wanted to come out here and  
7 participate today but family matters kept her at  
8 home.

9 But in any case, I just want to reiterate,  
10 thank you for all the work you're doing and let you  
11 know how important this is. Certainly this topic  
12 is important obviously with what's going on in the  
13 country. I'll tell you that the State Advisory  
14 Committee in California did a hearing on voting  
15 rights in California. Their report is forthcoming.  
16 The State of Kansas Advisory Committee did a report  
17 on voting rights in their state. That report is  
18 being finalized a week from tomorrow. The  
19 Commission is going to be having our monthly  
20 business meeting, and the Chair of the Kansas State  
21 Advisory Committee will be presenting the report to  
22 the Commissioners.

23 So the work you're doing is very  
24 important, and I want you to know that, that when



1 you finish the report where I can almost guarantee  
2 that you will have an opportunity to present it to  
3 the Commissioners, and it may become a topic that  
4 the Commissioners look at next year. We don't know  
5 yet.

6 But, in any case, I just want you to know  
7 there's a lot of things you'd be doing. You all  
8 have jobs. You all have families and careers and  
9 things that you would be doing other than coming  
10 here and participating. I can't thank you enough  
11 and let you know how important the work is that you  
12 do and what you're doing today.

13 So, again, greetings from the  
14 Commissioner. I'm Mauro Morales. I'm staff  
15 director. I'll be here all morning. I have to  
16 unfortunately go back to Washington this afternoon,  
17 but please come by and say hello or introduce  
18 yourselves. And, again, I would like to hear from  
19 you, please.

20 Advisory committee members, I have worked  
21 with some of you. I came out here I believe about  
22 a year and a half ago and saw the good work you did  
23 during that hearing on environmental issues. In  
24 fact, your report, one of the topics are in the



1 report that we finally did. So the work you do is  
2 very much appreciated and utilized by the  
3 Commission itself.

4 So, again, with that, thank you, and I  
5 will let you kick off your briefing.

6 CHAIRMAN LINARES: Thank you so much,  
7 Mr. Morales. We also appreciate the support that  
8 you have given us during this time especially you  
9 just mentioned last year's committee on the  
10 environmental justice issues, and everything seemed  
11 to just go so smoothly with your support and your  
12 staff support.

13 I also want to give a special thanks to  
14 the Chicago staff for this particular set of panel  
15 hearings who were instrumental and help lead the  
16 way with us in terms of getting this in today. So  
17 thank you very much everyone.

18 With that, I'm going to turn it over to  
19 the first panel, and I will introduce each one of  
20 you. So the first panel is going to be discussing  
21 legal and academic research on voting rights. I  
22 will introduce each one of you, and then we'll  
23 start from your right, my left, and you'll each  
24 have 10 to 12 minutes to present. I will also have



1 time cards here to let you know when your time is  
2 coming, and then we'll go on to the next speaker  
3 from there.

4 So first we have Ruth Greenwood from the  
5 Campaign Legal Center. We also have Ami Gandhi  
6 from the Chicago Lawyers Committee for Civil Rights  
7 Under Law. We have Mr. Jacob Huebert from the  
8 Liberty Justice Center. And we have  
9 Rebecca Glenberg from the American Civil Liberties  
10 Union of Illinois.

11 So without further ado, Ms. Ruth Greenwood,  
12 if you want to start.

13 MS. GREENWOOD: Thank you very much and thank  
14 you to the members of the state Committee for  
15 holding these hearings on voting rights at this  
16 important time.

17 My name is Ruth Greenwood. I'm the Deputy  
18 Director of Redistricting at the Campaign Legal  
19 Center. The Campaign Legal Center is a national  
20 nonpartisan, nonprofit organization that defends  
21 and protects our democracy in the areas of campaign  
22 finance, voting rights, redistricting, and  
23 government ethics. My work focuses on  
24 redistricting reform, and I have been working on



1 redistricting in the Midwest for the past four  
2 years. I want to note that I do all my work here  
3 in Illinois with my very talented colleague,  
4 Annabelle Harless, who is here with me today.

5 Now others here will talk about access to  
6 the ballot, but I want to focus today on access to  
7 a meaningful ballot. I'm going to outline two  
8 areas of reform at the local level and state level  
9 that I believe are needed. I have submitted  
10 written materials to explain each of these areas in  
11 greater detail. So if you want footnotes, feel  
12 free to read on.

13 In 2015, Annabelle and I authored a report  
14 that I understand has been made part of the record  
15 called the Color of Representation that showed that  
16 there are numerous cities, towns, villages, and  
17 school boards that have growing minority  
18 populations but all or majority white councils or  
19 boards to govern them.

20 I want to start with a brief background on  
21 why minority representation is important. There  
22 are many reasons, but some of them include the fact  
23 that representatives of color can be role models  
24 for children of color. Local representatives can



1 go on to be better qualified state or federal  
2 representatives. They can change the attitude of  
3 the community towards minority legislators and  
4 minority community partners. It has been shown  
5 that improving minority representation improves  
6 civic participation by people of color. It also  
7 has been shown to increase confidence in government  
8 by all members of the community. And, finally,  
9 it's just morally right that people of color should  
10 have the same opportunity to serve as local  
11 representatives as white people.

12 So armed with the knowledge from the  
13 report that we wrote, Annabelle and I have worked  
14 over the past few years with a number of local  
15 communities to try to improve minority  
16 representation. The overwhelming lesson from these  
17 efforts is that creating change at the local level  
18 is tough but possible. Some of the constraints  
19 include that there are limited resources to support  
20 local organizing efforts; that central authorities  
21 are powerful and able to control or even manipulate  
22 the ballot initiative process; and litigation can  
23 be costly and time-consuming.

24 We noted in the 2015 report that the



1 federal Voting Rights Act would be the right tool  
2 to use as a remedy in this situation. Despite  
3 this, in fact, many of the suburbs and exurbs  
4 particularly around Chicago are increasingly  
5 residentially integrated. This is fantastic from  
6 the point of view of reducing segregation as having  
7 been a goal of the Civil Rights Act, but it's  
8 problematic when it comes to running a case under  
9 the Voting Rights Act to improve minority  
10 representation because you need to show that there  
11 is a segregated enough community to draw a district  
12 around that community.

13 A possible solution for integrated  
14 communities that are still not electing members of  
15 the minority community to positions on local boards  
16 is to use ranked choice voting with multi-member  
17 districts. Ranked choice voting has been endorsed  
18 by Attorney General Madigan as an approved method  
19 that can be used in local elections, but in order  
20 for home-rule jurisdictions to implement it, they  
21 need to approve a ballot measure.

22 Just briefly, ranked choice voting is  
23 where you write your preferences one, two, three.  
24 If your number one vote doesn't get elected, your





1 vote will move over to number two. So the best  
2 high profile example of where it would be useful is  
3 back in 2000 with Bush v. Gore. There were a lot  
4 of people that voted for third parties. If those  
5 third-party votes could have given a number two  
6 vote, we would have known whether Bush was more  
7 preferred or Gore was more preferred by the  
8 majority of the state. And this could happen at  
9 the local level again and again.

10 In particular, for the minority community,  
11 it means that you can have different minority  
12 groups. So say, for example, a black community and  
13 a Latino community that have different number one  
14 preferences, but as long as they preference each  
15 other for number two, you'll end up getting  
16 somebody elected that is the choice of the overall  
17 minority community.

18 In that report, we identified over  
19 30 jurisdictions where there are minority  
20 communities that are underrepresented on their  
21 local boards.

22 I want talk about one example. I have  
23 worked for many years with the Concerned Citizens  
24 of Joliet as they have tried to place a



1 redistricting initiative on their local ballot.

2 Three times their efforts have been thwarted by the  
3 local powers that be. I believe that the process  
4 for approval of ballot initiatives at the local  
5 level is flawed in favor of those currently in  
6 power to the detriment of regular voters.

7         The Illinois state law requires that a  
8 local election board is convened if a ballot is  
9 objected to. For a city, that board is to consist  
10 of the mayor, the most senior council member, and  
11 the city clerk. In reality, when it comes to  
12 electoral reforms like redistricting, this means  
13 that the people whose power voters are trying to  
14 change are in charge of deciding whether their  
15 citizens can vote to change how they get and use  
16 power.

17         I have a number of recommendations and  
18 I'll go through a few. I think that federally we  
19 need guidance from the Department of Justice and  
20 possibly the courts to allow for cases to be  
21 brought -- Voting Rights Act cases to be brought in  
22 communities with racially polarized voting but that  
23 do not have a sufficient concentration of minority  
24 community members to draw a single member district



1 that's majority-minority. At the state level, I  
2 think we need to change the way that ballot  
3 measures disputes are decided so that the  
4 decision-makers are not the people who are affected  
5 by the ballot measure itself.

6 I want to move on to my state level  
7 recommendations because I've also done a bunch of  
8 work with independent redistricting commissions  
9 over the past few years.

10 Partisan interests have entirely hijacked  
11 the redistricting process in Illinois such that in  
12 every decade since 1980 one party or the other has  
13 been able to enact its preferred state legislative  
14 plan and, as a result, the state has suffered  
15 constant partisan gerrymanders instead of fair  
16 district plans. It gives power to current  
17 incumbents over the voters in Illinois.

18 These gerrymanders result in unresponsive  
19 and unaccountable legislators. A preferred method  
20 of redistricting would be to use an independent  
21 commission to improve partisan fairness,  
22 competitiveness, and responsiveness. Three efforts  
23 to introduce an independent commission have been  
24 thwarted by state courts in recent years.



1           As a consequence of this broken  
2   redistricting system, the people of Illinois have  
3   been denied competitive elections and have been  
4   saddled with too many legislators who care more  
5   about their own self-interest than the will of the  
6   people.

7           The only time the Republicans and  
8   Democrats worked together to produce a  
9   consensus-driven redistricting plan was in 1971.  
10   In 1981, '91, and 2010, the General Assembly  
11   gridlocked, causing a back-up commission to be  
12   convened, with the name of the tie-breaking voter,  
13   a Republican or Democrat, literally drawn from a  
14   hat by random chance. The result of this lottery  
15   was that in 1981 and 2001, the Democrats drew their  
16   state lines for their own advantage without  
17   Republican input. And, similarly, 1991 Republicans  
18   drew the lines without the opposition input also  
19   for their own advantage.

20           In 2011, the Democrats had control of the  
21   General Assembly and the governorship and  
22   completely excluded the public and Republicans from  
23   the map-making process. The resulting  
24   redistricting plans disproportionately favored the



1 election of Democrats, stifled political  
2 competition, and ensured that politicians were  
3 choosing their voters, not the other way around.

4 Today, sophisticated Geographic  
5 Information Systems software packages and  
6 computerized regression models can incorporate past  
7 election results -- and I should say this is not  
8 only at the state level, this can happen at the  
9 local level as well -- can incorporate past  
10 election results, demographics, public records, and  
11 multiple commercial databases to make predictions  
12 with pinpoint accuracy of where supporters and  
13 opponents of particular parties and candidates live  
14 and how these patterns will change as the decade  
15 unfolds. These data can be used to evaluate the  
16 consequences of multiple district configurations  
17 allowing map-drawers to craft and choose a  
18 redistricting plan that optimizes partisan gain.

19 The results of this technological  
20 sophistication can be seen in a degree to which  
21 parties are able to benefit themselves, not just  
22 here in Illinois, but across the country. We have  
23 seen the extent of partisan advantage in the  
24 current cycle post 2010 has skyrocketed to a



1 greater extent than any time in the past 40 years.

2 In addition to pursuing partisan  
3 advantage, map-drawers in Illinois have virtually  
4 guaranteed reelection of incumbents of both  
5 political parties allowing many legislators to act  
6 without regard for the views of their constituents.  
7 If a district is safely drawn for an incumbent, and  
8 therefore the election outcome predetermined, there  
9 is little incentive for the challenger to raise the  
10 necessary funds and to put in the time and effort  
11 needed to run for election.

12 Proof that reelection of incumbents is  
13 virtually guaranteed is shown in how many  
14 uncontested elections there are in Illinois. In  
15 2016, 64 percent of State House races were  
16 uncontested and 75 percent of State Senate races  
17 were uncontested.

18 My recommendation for this problem is for  
19 Illinois to change, to use an independent  
20 commission like that proposed by the Independent  
21 Map Amendment team in 2015 and 2016.  
22 Unfortunately, the State Supreme Court split along  
23 partisan lines with the four judges that had been  
24 appointed by Democrats voting to keep the amendment



1 off the ballot and three judges appointed by  
2 Republicans voted to put the amendment on the  
3 ballot.

4 If we can remove or at least reduce the  
5 role of partisanship in statewide redistricting, it  
6 will be better for all the voters in Illinois.

7 Thank you. I look forward to your  
8 questions.

9 CHAIRMAN LINARES: Thank you so much,  
10 Ms. Greenwood. Before we proceed, I would like to  
11 ask in the audience because the microphone seems to  
12 be a little lacking, can you hear in the back?  
13 Okay. Is there a control for that?

14 MS. WOJNAROSKI: They're at max right now.  
15 We're asking all the panelists to make sure to  
16 really put the mic up to your mouth.

17 CHAIRMAN LINARES: Ms. Gandhi.

18 MS. GANDHI: Thanks for the opportunity to  
19 speak today. I'll share a little bit of background  
20 and then start with the PowerPoint presentation  
21 that I think is being loaded right now.

22 Thank you for the opportunity to speak  
23 today. I'm Ami Gandhi, and I'm the Director of  
24 Voting Rights and Civic Empowerment at Chicago



1 Lawyers Committee for Civil Rights Under Law.  
2 Chicago Lawyers Committee is a nonprofit,  
3 nonpartisan civil rights legal organization in  
4 operation since the Civil Rights era in 1969, and  
5 we work to secure racial equity and economic  
6 opportunity for all. we provide legal  
7 representation through partnerships with nearly  
8 50 member law firms. we also collaborate with  
9 grassroots organizations and diverse coalitions to  
10 implement community-based solutions that advance  
11 civil rights.

12 The voting rights project of our  
13 organization was established to prevent, reduce,  
14 and eliminate barriers to voting for communities of  
15 color and low-income residents in Illinois. we  
16 advocate for expanded voter access for all  
17 communities regardless of race, ethnicity,  
18 socioeconomic or disability status.

19 And a major component of our work is  
20 Election Protection, the nation's largest  
21 nonpartisan voter protection program. Election  
22 Protection's hot line and poll watcher volunteers  
23 have answered thousands of voter questions over the  
24 phone and in person. That puts us in a unique





1 position to understand voter access barriers. For  
2 the 2016 general election, we trained and deployed  
3 hundreds of law firms and other volunteer attorneys  
4 with diverse political views, but they stand united  
5 in the belief that all eligible voters should have  
6 access to the polls.

7 Illinois has made great strides to expand  
8 its citizens' voting rights in recent years, but  
9 much work remains, particularly for those voters  
10 who are most vulnerable to discrimination and  
11 exclusion. To address these barriers in a  
12 comprehensive and practical way, community  
13 organizations, government leaders, and election  
14 administrators must all work together.

15 And now I would like to share some data  
16 with you from the last election and the stories  
17 that we heard from voters. And so that will be  
18 displayed on the PowerPoint slide. You can see it  
19 on either of the screens, but it may be easier to  
20 see it on the large screen.

21 The first slide is an overview of our  
22 Election Protection Program. We have hot lines in  
23 various languages, and through that process, we've  
24 heard firsthand about voters' concerns and barriers



1 that they face at the polls.

2 We partner with many grassroots  
3 organizations who are listed on this slide, and  
4 we'll submit all of this written information into  
5 the record as well. But we wanted to start by  
6 giving you a flavor of the diversity of  
7 organizations, neighborhoods, and communities that  
8 we collaborate with, and our legal volunteers who  
9 answer voter's questions in person and over the  
10 phone are trained to do various things to  
11 understand voter access barriers and investigate  
12 and remedy problematic practices, provide  
13 information and education and information on voting  
14 rights and advocate for necessary reforms. We will  
15 talk about various types of real-life examples of  
16 barriers that voters face.

17 Next, we'll share a visual about how our  
18 process works. When a voter experiences a barrier  
19 or an issue or has a question, there are multiple  
20 ways that the voter can connect with getting help  
21 from us. Again, we're nonpartisan and we try  
22 everything we can to provide the information to the  
23 voters who have questions. And after we interface  
24 with the voter, collect their information, and



1 analyze the issue, we collaborate with poll  
2 workers. In Illinois, they're called election  
3 judges, people who -- the personnel who work at the  
4 polls, and we also work with election  
5 administrators and election officials. We see it  
6 as a success if we can resolve the issue on the  
7 spot and if a voter can gain access to the polls  
8 and if we're -- and we also log whether we're able  
9 to resolve that issue in partnership with the voter  
10 or not.

11 The program is national, but today's data  
12 will focus on issues in Illinois. So this slide is  
13 an overview of the types of issues that we heard  
14 during this past general election. As you can see,  
15 there were numerous issues. Many of them were  
16 resolved as I'll talk about, but many of them were  
17 also preventable which is troubling to us.

18 Many Illinois counties are represented  
19 through the information that we receive and a  
20 diversity of voters who are reaching us with  
21 issues. Now there are a significant number of  
22 voters of color who report problems at the polls,  
23 but as I'll discuss in detail, there are people  
24 from all backgrounds, including white voters who



1 also faced preventable problems at the polls.

2 Most of the inquiries and problems that we  
3 learned about happened on election day and also a  
4 huge number right before the election. This is  
5 relevant because it shows the need for tools like  
6 election day registration and other access measures  
7 that can help people even who have questions right  
8 at the last minute leading up to the election or on  
9 election day itself.

10 This slide presents a breakdown of the  
11 different types of election day issues that were  
12 reported to us. Most of the issues related to  
13 questions that voters had about polling place  
14 location and election day registration, a  
15 relatively new access tool that's part of the  
16 Illinois law. Many voters also had inquiries about  
17 registration. People also faced voter equipment  
18 issues, polling place operation issues, reports --  
19 we got reports of a voter having an incorrect voter  
20 status in the system and being turned away from the  
21 polls as a result in many instances. We received  
22 reports of fragmented and partially filled ballots  
23 as well as the broader other categories including  
24 electioneering, impermissible electioneering and



1 missing absentee or mail-in ballots and other  
2 situations where the mail-in ballot process broke  
3 down.

4 This visual goes over the voting  
5 experience for the voters who interface with us.  
6 So whether it's inquiries about registration,  
7 inexperience inside the polling place, operation  
8 issue, we hear from people who need assistance,  
9 support, and clarity throughout all parts of the  
10 voting process.

11 I wanted to share with you a few stories  
12 of the types of issues that we hear about. Here is  
13 one where a voter had an inquiry about registration  
14 and they faced a barrier at the poll and, because  
15 of election day registration, was able to register  
16 and vote. We heard about these types of issues  
17 from throughout the state, not just in the Chicago  
18 area.

19 And in the interest of time, I'll go  
20 through these a bit faster but I'm happy to submit  
21 anything else to the written record or answer any  
22 questions.

23 We also received reports of electioneering  
24 including situations where voters were intimidated



1 or pressured to vote for a particular candidate  
2 including in the area where that electioneering was  
3 impermissible. Incorrect voter status also came up  
4 for many community members at various backgrounds  
5 again throughout the state. And there were also  
6 numerous polling place operation issues  
7 including -- this is just one sample of the many  
8 types of stories we heard of voters who did not get  
9 to vote because the polls weren't open on time.

10           There were many instances of fragmented  
11 and partially filled ballots, instances where  
12 voters received one of multiple pages of a ballot  
13 and weren't given access to the full ballot they  
14 were entitled to. Also instances where a ballot  
15 was partially completed and, of course, that  
16 incorrectly occurred. Voter equipment issues were  
17 endemic in this past election throughout the state.

18           Other barriers include voter intimidation  
19 and barriers for voters interfacing with the  
20 criminal justice system including barriers facing  
21 individuals in pretrial detention who should be  
22 eligible to vote but in a practical sense aren't  
23 always afforded the access to that right.

24           We also heard about barriers for voters



1 leaving incarceration who should be able to get  
2 back on the rolls but because of ID requirements  
3 for registration or other barriers were not again  
4 functionally able to vote. You'll hear stories  
5 throughout the day about barriers for voters with  
6 disabilities, for homeless voters, and language  
7 access barriers as well.

8           You heard about our process for logging  
9 and analyzing complaints, and what we do equipped  
10 with that information informs our litigation, our  
11 administrative and legislative reform, and our  
12 community outreach.

13           I want to share a little bit about  
14 election day registration before I conclude. We  
15 received hundreds of calls from voters asking about  
16 their voter registration status, in general, and  
17 about election day registration requirements  
18 specifically. Voters in every county used this  
19 tool. Numerous voters used it in the general  
20 election and in the primaries, and we saw the  
21 alternative in past elections and in neighboring  
22 states when voters didn't have the tool and were  
23 instead turned away from the polls in states like  
24 Indiana, for example, that we also received calls



1 from.

2 As we have argued in our amicus brief  
3 submitted in the federal court litigation that's  
4 currently challenging election day registration, if  
5 there are to be any adjustments made to this  
6 program, which is absolutely essential for voter  
7 access in Illinois, we advocate for an expansion of  
8 availability of election day registration and not  
9 to go backwards in time by curtailing this access  
10 tool. And I should note, too, that we collaborate  
11 closely with election administrators who are in  
12 Democratic leaning counties, who are in Republican  
13 leaning committees representing a political  
14 diversity of voters, and many election  
15 administrators who are proud of having tools like  
16 election day registration are on board with the  
17 idea of common sense technological improvements  
18 like automatic voter registration regardless of  
19 their political lean and want to see the integrity  
20 and the accuracy of our voting system move in a  
21 forward direction.

22 There are common sense and bipartisan  
23 support reforms on the table right now in Illinois  
24 including automatic voter registration, and we





1 advocate for those. And especially in this  
2 environment where there is rhetoric and unfounded  
3 allegations of widespread voter fraud and a  
4 discomfort and even exclusion from the polls faced  
5 by vulnerable communities, it's essential for us to  
6 look at some of the really positive and  
7 problem-solving oriented models in Illinois where  
8 advocates, voters, and election officials from  
9 diverse political backgrounds work together to try  
10 to improve the voting process which ends up  
11 benefiting communities of color but also has  
12 positive repercussions for all of our voters  
13 including members of the military, veterans,  
14 elderly voters, and a broader diversity.

15 CHAIRMAN LINARES: Thank you, Ms. Gandhi. And  
16 we'll have a session for question and answer  
17 afterwards, too, so we can continue the  
18 conversation.

19 Mr. Jacob Huebert. You can proceed.

20 MR. HUEBERT: Thank you, and thanks to the  
21 committee for inviting me to speak here today.

22 In 2014, the Illinois General Assembly  
23 passed a law creating a permanent system for  
24 election day voter registration in Illinois. That



1 might sound like a positive development, but the  
2 scheme that the state enacted is fundamentally  
3 flawed because it guarantees citizens in some part  
4 of the state much better opportunities to register  
5 and vote than it gives to citizens in other parts  
6 of the state. And that's why at the Liberty  
7 Justice Center we filed a lawsuit challenging  
8 Illinois' election day registration scheme for  
9 violating the equal protection clause of the  
10 14th Amendment.

11 Before getting into the problems with the  
12 current scheme, I should give some background in  
13 the history of voter registration in Illinois.  
14 Before the 2014 general election, Illinois didn't  
15 allow anyone to register to vote on election day.  
16 It had a normal voter registration period followed  
17 by a grace period that went through the third day  
18 before an election. During the grace period, a  
19 citizen could register to vote in a county clerk's  
20 office or a specially designated voter registration  
21 site.

22 In 2014, the Illinois General Assembly  
23 passed and Governor Pat Quinn signed a pilot  
24 program for election day voter registration in



1 Illinois. Under the pilot program, the state  
2 extended the grace period for late registration up  
3 to and including election day. The pilot program  
4 allowed the citizens to register and vote on  
5 election day at the office of their county or city  
6 election authority or at a permanent polling place  
7 for early voting established by their election  
8 authority.

9 About a month after the November 2014  
10 election, the General Assembly rapidly considered  
11 and passed the permanent system for election voter  
12 day registration that we now have which is  
13 different from the pilot program. Under the  
14 permanent system, a citizen can register and vote  
15 at any of several locations during the grace  
16 period, the office of the election authority, a  
17 permanent polling place for early voting, any early  
18 voting site beginning 15 days before the election  
19 or any precinct polling place on election day.

20 But that last option, registering at your  
21 polling place on election day, isn't actually  
22 guaranteed to all Illinois citizens who are  
23 eligible to vote. The statute only mandates that  
24 election authorities in Illinois counties with a



1 population of a hundred thousand or more offer  
2 election day registration at all polling places.  
3 Counties with a population of less than a hundred  
4 thousand that don't use electronic polling books  
5 are not required to provide election day  
6 registration at all polling places. They can just  
7 provide it at the election authority's main office  
8 and at one polling place in any municipality where  
9 20 percent or more of the county's residents live.

10 So now Illinois now guarantees a right to  
11 election day registration in every polling place to  
12 citizens who live in the 20 Illinois counties with  
13 a population of a hundred thousand or more but not  
14 to the citizens in the state's 82 other counties.

15 In the November 2016 election, all but  
16 four of those low population counties that don't  
17 have to offer election day registration at polling  
18 places didn't offer it at polling places. So now  
19 voters in high population counties have much better  
20 opportunities to register and vote than citizens in  
21 most low population counties in Illinois. And  
22 that's a problem.

23 The Supreme Court has said that the right  
24 to vote is a right to vote on an equal basis with



1 other citizens in your jurisdiction. The  
2 government isn't allowed to value the votes of one  
3 group of citizens over the votes of another group  
4 of citizens.

5 We recognize this problem and we agreed to  
6 represent two plaintiffs who wanted to challenge  
7 the law, a challenging Republican party committee  
8 with a low population in a downstate county and a  
9 congressional candidate from a downstate county  
10 running in a district that included both a low  
11 population county and high population counties.  
12 And, of course, he perceived that that put him at a  
13 disadvantage because his voters he perceived to be  
14 concentrated in lower population counties had less  
15 of an opportunity to register and vote than the  
16 voters in the high population counties who might  
17 tend to favor his opponent.

18 So in August of last year, we filed our  
19 lawsuit challenging this scheme in the Federal  
20 District Court here in Chicago, and we filed a  
21 motion seeking a preliminary injunction to prevent  
22 the state from implementing this scheme in the  
23 November 2016 election. The District Court granted  
24 a preliminary injection on September 27th, but the



1 7th Circuit Court of Appeals then stayed the order  
2 without explanation. So the system was in effect  
3 for the recent election.

4 The case is still pending in court, and so  
5 now I'll talk about the merits of the  
6 constitutional case from the plaintiff's  
7 perspective.

8 When a citizen challenges a law that  
9 restricts voting rights or favors some voters over  
10 others, the law can only be upheld if the Court  
11 concludes that the burden the restriction imposes  
12 on voting rights is outweighed by the government  
13 interest the restriction supposedly serves. In our  
14 lawsuit, the state has argued that the election day  
15 registration scheme is justified because it serves  
16 the state's interest in ensuring the citizens can  
17 exercise the right to vote by expanding  
18 opportunities for election day registration.

19 Before, nobody in Illinois could register and vote  
20 on election day, and now a lot of people can. So  
21 the argument goes, well, that's an improvement and  
22 we're allowed to make improvements in access to  
23 voting.

24 Of course, there can be no doubt that the



1 state has a strong interest in expanding  
2 opportunities to vote and that election day  
3 registration at polling places is an appropriate  
4 way to do that.

5 The problem is the state has to show more  
6 than that. It has to show that its discrimination  
7 against those citizens in low population counties  
8 is justified by some government interest, and it  
9 hasn't done that. The state has argued that its  
10 discrimination is justified because polling place  
11 registration supposedly is more needed in high  
12 population counties.

13 Under the pilot program, there were media  
14 reports and long lines at centralized election day  
15 registration locations in Cook County, but there  
16 weren't similar media reports of long lines for  
17 centralized election day voter registration  
18 locations in low population counties.

19 And so the argument goes, registration at  
20 polling places was more urgently needed in high  
21 population counties and so that's why the state  
22 supposedly is justified in mandating it in those  
23 high population counties but not in the low  
24 population counties.



1           There's several problems with that  
2 argument. For one, it hasn't been substantiated in  
3 court that nobody had to wait in lines at those low  
4 population counties, and even if that's true that  
5 they didn't have long lines for election day  
6 registration in low population counties, it wasn't  
7 proved that polling place registration is less  
8 needed in those low population counties.

9           It could be that traveling to the  
10 centralized location for many people in a low  
11 population county is so burdensome that they just  
12 didn't bother to try it. If you have to drive  
13 20 miles to register and vote on election day, it's  
14 pretty intuitive that you might just skip it rather  
15 than do it. So that could explain why we didn't  
16 see lines like that in low population counties.  
17 The government didn't present any evidence on that  
18 one way or the other.

19           Another problem with the state's argument  
20 is that long lines that were reported in Cook  
21 County don't explain why the state-mandated  
22 election day voter registration in polling places  
23 in all 20 Illinois high population counties since,  
24 as far as we know, there weren't reports of long





1 lines in those other 19 counties. So one has to  
2 wonder what could explain why they chose the top 20  
3 counties in Illinois. And it's certainly  
4 interesting to note that, collectively, the top  
5 20 counties in Illinois consistently over the past  
6 decade or more have always voted for the Democratic  
7 candidate in statewide elections, and this scheme  
8 of election day registration just happens to have  
9 passed along party lines. And so perhaps that's an  
10 explanation.

11 I don't want to speculate as to any  
12 particular person's motive, but when you look at  
13 this, if you were trying to boost one party's  
14 turnout over another, this is the sort of thing  
15 that you might set up.

16 In any event, if the statewide voters in  
17 high population counties were more likely to  
18 benefit from polling place registration, that  
19 shouldn't be a good enough reason to deny the  
20 opportunity in low population counties. The state  
21 shouldn't be granting and denying people rights  
22 based on who it thinks is going to take the most  
23 advantage of them.

24 The state's other main argument and



1 defense of this scheme is that election authorities  
2 in many low population counties would find it too  
3 costly or too burdensome to implement election day  
4 registration in polling places. well, in general,  
5 courts have not found avoidance of administrative  
6 inconvenience or cost to be a good enough reason to  
7 violate constitutional rights, in particular,  
8 voting rights and, in particular, in cases where  
9 some voters would have better rights than others.

10 Second problem, the state hasn't actually  
11 shown that it would be more expensive or harder to  
12 do in the lower population counties; and, third,  
13 and most important, it's wrong to give citizens in  
14 high population counties better voting rights  
15 because their counties have more resources. I  
16 mean, the state is essentially admitting with this  
17 argument that it's giving people in wealthier  
18 counties better opportunities because their  
19 counties are wealthier; and, of course, your voting  
20 right shouldn't depend on whether you live in a  
21 relatively affluent county.

22 So in this lawsuit, we've asked the Court  
23 to strike down this scheme of election day  
24 registration, not because we don't want election



1 day registration or election day registration at  
2 polling places, but because that's the only way a  
3 court can address this constitutional problem, by  
4 simply striking it down. It can't rewrite the law  
5 that mandates that low population counties do this  
6 because the General Assembly hasn't addressed how  
7 that should be funded or anything like that. So  
8 the right thing for a court to do is to strike it  
9 down and to tell the General Assembly to enact a  
10 new scheme if it wants election day registration  
11 that's fair and equal.

12 But, of course, it shouldn't have to come  
13 to that. The Illinois General Assembly could just  
14 amend this law now to provide for election day  
15 registration at polling places everywhere in  
16 Illinois which, oh, by the way, is what every other  
17 state that has election day registration at polling  
18 places has done. Every other state guarantees it  
19 statewide. Only Illinois has favored voters in  
20 some counties over others.

21 So the General Assembly should correct  
22 this problem, and then our lawsuit can go away, and  
23 there will be increased access to voting across  
24 Illinois. Thank you.



1 CHAIRMAN LINARES: Thank you so much,  
2 Mr. Huebert.

3 MS. Rebecca Glenberg. Proceed, please.

4 MS. GLENBERG: Thank you. Good morning and  
5 thanks to the Commission and to the Advisory  
6 Committee for holding this hearing and for inviting  
7 the ACLU to participate.

8 My name is Rebecca Glenberg. I'm a senior  
9 staff attorney at the ACLU of Illinois, a  
10 nonprofit, nonpartisan organization that advocates  
11 for constitutional rights and civil rights at the  
12 state and federal level and that has been involved  
13 in protecting voting rights nationwide through its  
14 voting rights project and in the state's -- through  
15 each of its state affiliates.

16 I'm here to talk today a little bit about  
17 voter ID laws. Here in Illinois, we do not require  
18 photo identification at the polls in most  
19 instances, but as I will discuss in a minute, we  
20 can't afford to be complacent about that issue in  
21 Illinois due to recent national trends.

22 So before discussing the voter ID laws  
23 themselves and the effect that they have on the  
24 right to vote, I want to touch briefly on the



1 rationale for those laws which has been the  
2 prevention of voter fraud.

3 This is a problem that just doesn't exist.  
4 There is virtually no evidence of a voter  
5 impersonation in U.S. elections. A 2014 study  
6 found a total of 31 credible allegations of voter  
7 impersonation between 2000 and 2014, a period in  
8 which over a billion votes were cast. And, of  
9 course, voter impersonation is the one type of  
10 voter fraud that is purportedly addressed by voter  
11 ID laws.

12 We also find that even those reports that  
13 are substantiated nearly always turn out to be the  
14 result of voter error or error by poll workers  
15 rather than a malicious attempt to vote unlawfully  
16 and influence an election.

17 So it's important to understand the  
18 absence of a voter -- voter impersonation when we  
19 look at the voter ID laws that are purportedly  
20 meant to address that issue and the effect it has  
21 on civil rights.

22 Voter ID laws are part of an ongoing  
23 strategy nationwide to roll back decades of  
24 progress on voting rights. Thirty-four states have



1 identification requirements at the polls. Seven  
2 states have what are called strict voter ID laws  
3 under which voters must present one of a limited  
4 set of forms of government-issued photo ID in order  
5 to cast a regular ballot.

6           Voter ID laws deprive many voters of their  
7 right to vote. They reduce voter participation in  
8 direct opposition to our country's overall trend of  
9 including more Americans in the Democratic process.  
10 Many Americans do not have one of the acceptable  
11 forms of ID for voting, and those voters are  
12 disproportionately low-income, racial, and ethnic  
13 minorities, the elderly, and people with  
14 disabilities. So such voters have -- often have  
15 difficulty obtaining ID because they can't afford  
16 or cannot obtain the underlying documents that are  
17 a prerequisite for obtaining government-issued  
18 photo IDs.

19           In addition, obtaining either the voter ID  
20 or the underlying documentation to receive that ID  
21 is often a major burden in terms of time for people  
22 who might need to travel to a government office,  
23 for people who might need to research what their  
24 requirements are and, again, to collect and obtain



1 underlying documentation, and a burden for those  
2 who actually lack transportation to go to those  
3 locations where they can get the ID.

4 So we see that consistently across the  
5 board. Studies show, A, that large numbers of  
6 voters lack sufficient ID for those states that  
7 have voter ID laws; and, secondly, that lack of ID  
8 is unevenly distributed and has dispirit impact on  
9 certain groups.

10 So just to describe a few of the facts  
11 that we have from survey data, from academic  
12 research, and from court litigation challenges to  
13 some of these statutes.

14 At the national level, a 2006 Friend  
15 Center survey showed that 11 percent of American  
16 citizens did not have a government-issued photo ID.  
17 That same survey showed that elderly and minority  
18 individuals as well as those earning less than  
19 \$35,000 a year annually were less likely to have  
20 government-issued photo IDs.

21 In the specific state, we see those data  
22 replicated over and over again. So, for example,  
23 in Texas where the Fifth Circuit Court of Appeals  
24 recently ruled on a challenge to the voter ID law



1 there, the courts found that registered Hispanic  
2 voters and registered black voters were a  
3 195 percent and 305 percent, respectively, more  
4 likely than white voters to lack eligible forms of  
5 ID.

6 In Wisconsin, courts found that  
7 approximately 300,000 registered voters or about  
8 9 percent of the state's registered voters lacked  
9 eligible ID and that African-American voters in  
10 Wisconsin were 1.7 times as likely as white voters  
11 to lack eligible ID and Latino voters were 2.3  
12 times as likely as white voters to lack an eligible  
13 form of ID for voting.

14 We find that based on academic research in  
15 Indiana, a 2009 survey indicated that 84.2 percent  
16 of whites and 78.2 percent of African-Americans had  
17 a valid form of ID. And this is -- again, these  
18 are findings that are replicated in court case  
19 after court case across the board, across states  
20 and in research, academic research across the board  
21 in many different states.

22 So, unsurprisingly, given the large number  
23 of people who lack a valid form of ID, the voter ID  
24 laws have a significant and demonstrable effect on





1 voter turnout. So, for example, a 2014 study by  
2 the GAO found that voter ID laws depressed turnout  
3 and have racially disproportionate effects.

4 Analysis of turnout in the 2008 and 2012 general  
5 elections suggested that the implementation of  
6 voter ID laws led to a 1.9 percent reduction in  
7 turnout in Kansas, for example, and 2.2 percent  
8 reduction in turnout in Tennessee. And the  
9 reduction in turnout again have racially dispirit  
10 impacts with African-Americans showing more of a  
11 depressed turnout after implementation of voter ID  
12 laws than white voters did. And, again, we see  
13 those findings repeated in academic studies  
14 nationwide and within the state.

15 So why should we worry about this in  
16 Illinois where we don't have these laws? well, we  
17 see a nationwide trend towards voter suppression.  
18 In 2016, 14 states had new restrictions on voting  
19 that had not existed before. We see, as Ami Gandhi  
20 noted, this sharp increase in rhetoric about voter  
21 fraud, about a problem that doesn't exist, and we  
22 see the possibility of federal investigations or  
23 federal legislation to address, again, the  
24 nonexistent problem of in-person voter fraud.



1           We see that the Department of Justice  
2       which had previously taken a strong line against  
3       these types of laws is now pulling back from those  
4       positions and has, in fact, in Texas, abandoned the  
5       federal government position that the Texas voter ID  
6       law was intentionally discriminatory on the basis  
7       of race.

8           And here in Illinois, we see voter ID laws  
9       and bills pushed virtually every year in the  
10      General Assembly for the last seven or eight years.  
11      And the type of voter ID laws that are proposed in  
12      Illinois are among the most pernicious when you  
13      compare them to the voter ID laws in other states.

14           So, for example, the government IDs that  
15      are acceptable in Illinois must have both a photo  
16      and a current address. So many photo IDs do not  
17      have an address. If you have moved recently and  
18      haven't changed the address on your driver's  
19      license, you're out of luck. If you are homeless,  
20      you're out of luck. The bill would provide for a  
21      state-issued ID but imposes very onerous  
22      documentation requirements on obtaining it and  
23      provides no guidance on how you actually do obtain  
24      it, how long it would take, how much it would cost



1 and so forth.

2 So it's important here in Illinois for us  
3 to recognize the danger of these voter ID laws to  
4 civil rights and to continue to hold the line and  
5 keep elections in Illinois free and fair. Thank  
6 you.

7 CHAIRMAN LINARES: Thank you, Ms. Glenberg.  
8 With that, we're going to open it up for the  
9 committee to ask questions of anyone on the panel.  
10 Again, every Committee member is allotted one  
11 question and a follow-up, but depending on our time  
12 because we're going till 9:30 on this first panel,  
13 there may be exceptions at the very end.

14 So with that, I'll open it up. Are there  
15 questions?

16 MR. KAZMI: I have a question.

17 CHAIRMAN LINARES: Mr. Kazmi. If you could  
18 pass the microphone so that folks can ask.

19 MR. KAZMI: I have two questions. Jacob, I'll  
20 start with yours and I'll have one for Ruth and  
21 you'll see why it ties in.

22 You ended with your recommendation was the  
23 easiest thing to do is for the General Assembly to  
24 amend the law and, in doing so, get rid of the



1 requirement that, you know, populations under a  
2 hundred thousand have electronic polls or books  
3 that you had on record.

4 Two questions, but they're together.  
5 Quick, one, is there a reason why in the rural  
6 counties there are not electronic poll books at  
7 those smaller polling places? And second,  
8 depending on your answer, is that the way to even  
9 get past changing the law is giving these more  
10 rural locations the ability -- not the ability --  
11 the county election authority providing an  
12 electronic book there?

13 MR. HUEBERT: I assume that they haven't gotten  
14 electronic polling books because it's just simpler  
15 for them to stay with the status quo and why change  
16 if you don't have to, why go out of your way to  
17 take on an added expense and a new system if what  
18 you're doing seems okay for you and the state isn't  
19 making you do it.

20 If the state were to require that a low  
21 population in Illinois counties provide election  
22 day registration in polling places, it would have  
23 to think about how that's going to be funded. If  
24 it turns out that it is a greater expense that some



1 of these low population counties are prepared to  
2 take on, maybe the state would have to provide  
3 funding for that or somehow it would have to be  
4 figured out. It would have to be paid for.

5 But I assume that it wouldn't be too  
6 incredibly difficult simply because these other  
7 states have done it, including -- and most of the  
8 states that have done election day registration in  
9 polling places are not states with a city nearly as  
10 big as Chicago. They're states with lots of rural  
11 counties, sparsely populated counties like Iowa.  
12 So if they can pull this off, I don't see why  
13 Illinois would have trouble doing it if it wanted  
14 to.

15 MR. KAZMI: I know the population and I know  
16 the legal test as well, but do you guys or have you  
17 done research when you were filing this suit or  
18 this claim not necessarily to determine exact cost  
19 but how many of those rural polling locations there  
20 was?

21 Because it says, it looks like here in the  
22 law, you could have, as long as that county  
23 election authority has the ability to register same  
24 day, that's fine. Do you have an idea of how many



1 around this state or how many counties, I guess,  
2 have that issue that are under that hundred  
3 thousand person population where as long as you  
4 register that day at the county election office  
5 you're okay?

6 MR. HUEBERT: Well, that's 82 Illinois counties  
7 out of 102 that are under the 100,000 in  
8 population. And some of them don't have very many  
9 polling places at all because they have so few  
10 people. So you think it wouldn't necessarily be  
11 that hard to come up with a way for them to do at  
12 that limited number of polling places. It's not  
13 obvious that it would be that much harder for them  
14 than for a high population county with lots and  
15 lots of polling places.

16 MR. KAZMI: Thank you. And then, Ruth, real  
17 quick, can I ask that and I'll be done?

18 Question for you. Me and Joanna were just  
19 talking here. This is something that's passionate,  
20 that we care greatly about this issue. When you  
21 were talking about, one of your recommendations, of  
22 course, was the independent commission, but you  
23 also shared with ranked voting, are there any  
24 countries in the western world that utilize a



1 ranked voting system? We thought of one quickly  
2 and so we're wondering if there are others other  
3 than what we're thinking.

4 MS. GREENWOOD: I want to start by adding on to  
5 what Mr. Huebert said. I don't think that he is  
6 right when he said that the Court can only strike  
7 this law down. I litigated in Ohio under federal  
8 law in 2012 where they had stopped some people from  
9 voting on the weekend before the election and they  
10 allowed others. And the result wasn't stop  
11 everyone from voting. They said the state had to  
12 offer fair and legal voting to everybody on an  
13 equal basis using a similar theory.

14 So while I agree that it would be better  
15 that we have election day registration in every  
16 polling place across the state, I absolutely  
17 disagree with the remedy that this lawsuit is  
18 proposing. Why if you say that you get better  
19 voting rights and better opportunities in those 20  
20 counties, why don't give those better opportunities  
21 to all 102 counties? That's one point.

22 Secondly, on what you said, you don't even  
23 need to look abroad to know that ranked choice  
24 voting is used. It is used within America already.



1 MR. KAZMI: Caucus system.

2 MS. GREENWOOD: Like Cambridge, Massachusetts,  
3 has used ranked choice voting to elect its City  
4 Council for like 40 years. The New York school  
5 board went for a while using ranked choice voting,  
6 and through that process they got huge amounts  
7 more, you know, people of color on their board at  
8 the same time that the City Council wasn't using  
9 ranked choice voting and was full of white people.

10 California, over in San Francisco, has  
11 started using ranked choice voting. Minneapolis  
12 uses it. And if you want to talk about other  
13 countries --

14 CHAIRMAN LINARES: Ms. Greenwood, can you use  
15 the microphone?

16 MS. GREENWOOD: I'm so sorry. And if you want  
17 to talk about other countries, my home country of  
18 Australia uses ranked choice voting. So, yeah,  
19 there are examples all over the place.

20 MS. GANDHI: Can I chime in to speak about  
21 election day registration? To answer your  
22 question, at Chicago Lawyers Committee, we have  
23 contacted over 100 election administrators, because  
24 we have so many different election systems in





1 Illinois, to specifically ask them about election  
2 day registration. We did that so we would have  
3 voter education tools in advance of November 8th.

4 A few highlights from what we learned.  
5 Election day registration is available in every  
6 county, as I think you know and we've talked about.  
7 There are some low population counties that have  
8 more than the minimum of one required election day  
9 registration site per county who voluntarily  
10 decided that they wanted to provide that for their  
11 voters.

12 There are also some low population  
13 counties that have invested in tools like  
14 electronic poll books and even who are ramping up  
15 the use of that investment in that over time, and  
16 these all include numerous examples of Republican  
17 leaning counties.

18 There are -- and I also want to mention  
19 that the election day registration bill that has  
20 since been passed initially -- actually, the  
21 initial draft called for a uniform state -- a  
22 uniform statewide process of election day  
23 registration being available in every polling place  
24 in every county. But low population counties



1 advocated for an ability to opt out of that  
2 requirement especially if they had a cost concern,  
3 if they weren't able to immediately invest in the  
4 technology or staffing resources required to right  
5 away implement election day registration in every  
6 polling place.

7 Now that said, there was that cost  
8 concern. That's why the political compromise was  
9 struck and the bill was passed the way it was in  
10 2015. But that said, in practice, we're seeing  
11 many counties including Republican leaning counties  
12 that are overtime investing in election day  
13 registration and other modernization elections more  
14 generally.

15 CHAIRMAN LINARES: Thank you. Other questions?

16 MR. COBB: I have one.

17 CHAIRMAN LINARES: Mr. Cobb.

18 MR. COBB: Appreciate it. My question is for  
19 Ms. Greenwood. You talked about some of the  
20 barriers to voting for persons in pretrial  
21 detention and I guess immediately after release,  
22 and I'm interested in hearing more about that  
23 because, as I understand it, these are populations  
24 that actually can vote under the law, but you're



1 saying that there are practical barriers that are  
2 preventing them from actually exercising that vote.

3 Could you tell us more about that, please?

4 MS. GREENWOOD: It was actually Ami that talked  
5 about that.

6 MS. GANDHI: There will also be discussion of  
7 this -- my understanding is that there will be a  
8 fuller discussion of this in today's program which  
9 we really appreciate that experts will be delving  
10 into that issue in particular.

11 But, yes, you're right in what you  
12 mentioned. There are large populations, especially  
13 in Cook County, but in other counties as well in  
14 Illinois of individuals who haven't yet had a trial  
15 who haven't been convicted of a crime who are  
16 eligible to vote and legally have the right to  
17 vote, but in a practical sense, have some limited  
18 access to a mail-in ballot process, for example,  
19 some limited access to being able to register to  
20 vote, but those individuals typically have very  
21 little or no access to phones or internet to even  
22 check their registration, much less to be able to  
23 use the tools that, for example, I would be able to  
24 use to register at different times, and certainly



1 they're not able to register on election day or  
2 grace period or anything like that.

3           So, for some people, the barrier exists  
4 because the individual is not yet registered and  
5 has very limited abilities or avenues to register  
6 or to even check their registration. They may have  
7 been registered previously at an address, for  
8 example, before being in Cook County Jail, for  
9 example, but since then, some of their identifying  
10 details have changed and they may not even know if  
11 their registration is current or not.

12           Then you get over that hurdle of whether a  
13 person is properly registered or not, and people  
14 don't always know about the ability to receive a  
15 mail-in ballot and they're only allowed to apply  
16 for and receive mail-in ballot on particular days  
17 due to the security protocols in the jail.

18           There are examples of election officials  
19 who are aware of those different barriers and who  
20 are working with Department of Corrections, for  
21 example, and voters who are most directly affected  
22 by this to try to streamline the process and make  
23 it more clear. There is voter registration  
24 happening in Cook County Jail on Saturdays, for



1 example, by different civic organizations, leading  
2 up to the suburban municipal elections happening  
3 here on April 4th where there are numerous  
4 individuals in pretrial detention who are eligible  
5 to vote for that election.

6 So there are some signs of progress, but  
7 it requires a lot of coordination given the  
8 security, logistical, and different bureaucratic  
9 hurdles that are involved.

10 CHAIRMAN LINARES: Ms. Buys.

11 MS. BUYS: Thank you to all the panelists. I  
12 appreciate your remarks this morning.

13 A couple of you referred to some of the  
14 recent rhetoric about voter fraud and, in  
15 particular, we've had statements by our President  
16 about people who are not authorized to vote voting.  
17 So I'm wondering if you're seeing any evidence here  
18 in Illinois of non U.S. citizens who have voted  
19 when they're not supposed to.

20 MS. GREENWOOD: I'm happy to jump in. I am  
21 aware of zero evidence of that ever happening in  
22 Illinois. I just think it's not a problem. I  
23 myself am not yet a citizen, and there's no way I'm  
24 going to put my ability to become a citizen in



1 jeopardy by going and voting which would be an  
2 offense which would lead to deportation.

3 MS. GANDHI: We've also seen in our engagement  
4 with immigrant communities and civic organizations  
5 who focus on immigrant engagement that there's a  
6 widespread understanding by immigrant voters and by  
7 noncitizens of the penalties involved for people  
8 who are ineligible going to the polls or even  
9 registering. And so there's a widespread  
10 understanding that it's a deportable offense for a  
11 noncitizen to vote or to register.

12 People in mixed status families have a  
13 visceral understanding of that, people who are  
14 involved in the immigrant community in a variety of  
15 ways. So when there are voter registration drives  
16 or a get-out-to-vote effort, all of that, there's a  
17 very clear understanding that it doesn't make sense  
18 for anyone involved who are not citizens to subject  
19 themselves to that kind of scrutiny or punishment  
20 by registering or by voting.

21 We've also seen the flip side of even  
22 people getting ensnared in that conversation and  
23 then the rhetoric and fear even who are eligible  
24 immigrant citizen voters. So we've seen instances



1 in every election, including in the November 2016  
2 election, of eligible citizen immigrant voters  
3 being made to feel like they don't belong, being  
4 improperly turned away from the polls, being  
5 questioned about their citizenship. This over time  
6 has affected African-American voters who there are  
7 instances of improperly being turned away from the  
8 polls or questioned about their right to be there.

9 And we're also seeing immigrant voters,  
10 people who are perceived to be immigrants, Muslim  
11 voters, people who are perceived of being Muslim  
12 also being improperly turned away from the polls or  
13 intimidated by -- it could be police, election  
14 workers or fellow voters at the polls.

15 MS. BUYS: I do have one follow-up question for  
16 that. So I have read a few cases about immigrants  
17 who have voted improperly, and it seems to me that  
18 it happened in part because of the Motor Voter  
19 registration, that maybe there was some confusion  
20 or there was a conversation at that point where,  
21 you know, the wrong box was checked and the person  
22 became automatically registered.

23 Is there any concern that there should be  
24 changes in the voter registration process, whether



1 it's Motor Voter or other processes so that that  
2 confusion doesn't happen?

3 MS. GANDHI: I will kick it off and turn it  
4 over to Ruth. So there's not that problem in the  
5 Illinois system right now, but I can tell you that  
6 in conversations about proposals moving forward,  
7 about how to modernize our voter registration  
8 system in Illinois, there's a talk of automatic  
9 voter registration, as I mentioned earlier.  
10 There's a bill that is growing with bipartisan  
11 momentum and support that's before the Illinois  
12 legislature right now, and the conversation has  
13 been very specific and focused on how to make sure  
14 there's reliable information about citizenship when  
15 other state government databases are being used to  
16 add to the voter registration rolls.

17 So those conversations and the tooling of  
18 the legislation and eventually hopefully the  
19 implementation is being done with that concern in  
20 mind, absolutely, to make sure we safeguard the  
21 integrity and the accuracy of the voting rolls.

22 MS. GREENWOOD: I should add that the first  
23 question on the voter registration form whether  
24 it's the federal NVRA or the local one is are you a





1 United States citizen, and that's available in  
2 multiple languages throughout the state. So it's  
3 pretty clear. I've done voter registration drives  
4 and had people who say, the answer to that question  
5 is no. I'm like, okay, I'll take that form back.

6 I should also add that in California, they  
7 have an automatic voter registration bill that  
8 would mean that when you interact with the DMV you  
9 automatically become registered if you're able to  
10 verify that you are citizen, if you have provided  
11 some evidence of citizenship.

12 But they also have a whole training  
13 program for their DMV workers to make it very clear  
14 that the error, if somebody is registered  
15 incorrectly and they're not yet a citizen, the  
16 error is on the DMV worker because they're supposed  
17 to be checking. You know, it's up to the  
18 government to police who is getting into the polls  
19 and making sure that it's fair. I don't think it's  
20 fair to put it on, you know, an immigrant who  
21 doesn't really understand necessarily what's going  
22 on. The DMV worker who does this all day every day  
23 should know the rules and be able to make sure that  
24 citizens are able to register if they're citizens.



1 CHAIRMAN LINARES: Ms. Wortham, you had a  
2 question?

3 MS. WORTHAM: Yes. You sort of came to reach a  
4 point that I was going to ask you about, and that  
5 is, is there any way to substantively describe the  
6 photo ID from other forms of ID that makes this  
7 particular form of ID problematic other than other  
8 types like social security and so on? And I think  
9 you said the question, are you an American citizen.  
10 But are there other elements to the voter ID that  
11 poses a problem that other voter's ID does not?

12 I'm trying to make the connection between  
13 voter ID and fraud and misuse of voter ID, and I'm  
14 having a hard time on that.

15 MS. GLENBERG: I'm not completely -- I'm not  
16 sure I completely understand the question. Is the  
17 question why -- is the question whether it's harder  
18 to get a photo ID than other forms of ID?

19 MS. WORTHAM: There is apparently in the  
20 discourse the assumption that those who support  
21 voter ID, their rationale is you want to prevent  
22 voter fraud, and our response to that is there is  
23 no evidence of voter fraud; therefore, we do not  
24 require or should not have a requirement of voter



1 ID.

2 I'm asking is there something  
3 substantively different about asking voters to have  
4 identification in this context of voting than  
5 identification in other context such as Social  
6 Security, Medicare, other -- I've got a pocket book  
7 full of cards walking around with all these things.

8 what is there about this particular form  
9 of ID that is so problematic?

10 MS. GLENBERG: I think that what you would hear  
11 from supporters of these laws is that the reason  
12 why you need photo ID is so that the poll worker  
13 can look at the photo and look at the person and  
14 see if they're the same person.

15 In fact, we know that people are not all  
16 that great at doing that and particularly where you  
17 are looking sort of cross racially at a photo of  
18 someone who is not your race or a person who is not  
19 your race, you will have a harder time matching up  
20 that photo to that person. I think that -- I'm  
21 still not sure how to answer your question.

22 MS. GANDHI: I want to share a story and turn  
23 it over to Ruth. I want to share one example of a  
24 voter who contacted us and why he was not able to



1 have an ID.

2 so he completed a sentence. He was  
3 leaving incarceration. He left incarceration. He  
4 found a place to live. He found a job, against a  
5 lot of odds. He had a work ID to get into his  
6 workplace which had his picture on it, but it  
7 didn't have an address, and so it didn't qualify  
8 for certain ID requirements that he needed. He  
9 tried to get a state ID and was told to get a state  
10 ID, I mean, regardless of the cost which is also an  
11 unfair burden on some people and some people liken  
12 that to a modern day poll tax, but regardless of  
13 the cost, he was willing to pay it.

14 He was told that to get the state ID, he  
15 needed to have a social security card or a birth  
16 certificate. He did not have a social security  
17 card. He tried to get a birth certificate from  
18 another state where he was born. To get the birth  
19 certificate, he had to fill out a notarized  
20 application. The notary public wouldn't notarize  
21 the application because he didn't have a state ID  
22 to show that he was who he said he was. And so  
23 this individual spent a lot of time with us and in  
24 person and over the phone trying to figure this



1 out, and there was not a functional way that he  
2 could meet the requirements even though he was  
3 trying to do everything he could to follow all the  
4 rules. He specifically engaged and invested in the  
5 cost required. There was just no way under the  
6 current rules. I will turn it over to Ruth.

7 MS. GREENWOOD: I wanted to add with your  
8 question, I think you are asking about forms of ID  
9 that are required in photo ID bills. We don't have  
10 a photo ID bill here in Illinois, but upstairs in  
11 Wisconsin, they have photo ID. They have a very  
12 restrictive list of what you can use.

13 Similar to what Ami said, if you had an  
14 employee ID that had your photo on it, that's  
15 enough to say here's my name, here's my photo, I am  
16 who I say I am, I'm stopping impersonation fraud.  
17 But that was not allowed in Wisconsin. In fact, in  
18 Wisconsin, they said you had to have an expiring  
19 date on your ID. So current members of the  
20 military have IDs with expiring dates, but veterans  
21 don't have expiring dates. There's no expiring  
22 date on being a veteran. So veterans were not able  
23 to use their IDs in order to vote.

24 So I think you hit on a really good point



1 which is that these photo ID laws, it really  
2 matters how they -- and what gets included.

3           Already there is a requirement under the  
4 Help America Vote Act, federal law, that when you  
5 register, the state needs either the last four of  
6 your social or a driver's license number to be able  
7 to match you to make sure that you are who you say  
8 you are. So identification is already part of the  
9 process by federal law. Adding a photo ID  
10 requirement on top is just restricting who can  
11 access the polls. Exactly as Ami said.

12           And Ami has similar cases out of Wisconsin  
13 where you had people who were born in the south  
14 during segregated hospitals. So they didn't have a  
15 birth certificate. They were born at home. They  
16 weren't able to then use their birth certificate to  
17 get a state ID. So you're seeing these  
18 interactions with historical discrimination.

19           So I think you're right that there are  
20 real problems with photo ID laws and the way that  
21 they're written and who gets included in and  
22 excluded.

23           CHAIRMAN LINARES: Thank you. We're running  
24 out of time. I do want to get to the last two



1 questions. Ms. Rodriguez and Ms. Haleem, if you  
2 can ask your questions in succession and then we'll  
3 end with the answers.

4 MS. RODRIGUEZ: Mine is for Ms. Glenberg. Of  
5 the 31 credible allegations of voter fraud over a  
6 span of 14, 15 years, were any of these allegations  
7 tied to Illinois? And if so, were they due or  
8 caused by a systemic failure or what were the  
9 causes? If you can just expand a little bit about  
10 that and what steps were taken to remedy that  
11 situation.

12 MS. HALEEM: My question is also about voter  
13 ID. So because this question keeps coming up and  
14 it's made to sound so simple, why wouldn't you want  
15 an ID. So I'm going to approach it from -- I'm  
16 going to give the proponents of it the benefit of  
17 the doubt and say that, okay, they want it for a  
18 good reason. I would like to know the reason in  
19 the sense that if you think -- if they think that  
20 it's the wrong person, why wouldn't just a photo be  
21 sufficient? why would it -- what are the elements  
22 of the requirements for the voter ID and what is  
23 the justification for each of those elements is  
24 what I would want to know?



1           And the other thing is as far as -- it  
2   would be great to have numbers about people who end  
3   up voting without having a registration card handy.  
4   Like when I go to a polling place, they pull up my  
5   voter registration card first or, you know,  
6   somewhere where they check me in. What is the size  
7   of the population that's not required, you know,  
8   either mobile voting? I'm really ignorant about  
9   that. If you can expand on it.

10       MS. GLENBERG: So the actual requirements for  
11   the voter ID vary from state to state, and I think  
12   that many of the requirements don't really have a  
13   justification.

14           So in the bill that is currently pending  
15   in the Illinois General Assembly and that's been  
16   proposed year after year, for example, there is the  
17   requirement that the photo ID have both a photo and  
18   an address even though, again, many IDs don't have  
19   an address and you would think that, first of all,  
20   the address could be independently proven and,  
21   second of all, you demonstrated your address at the  
22   time that you voted. And if the point of the photo  
23   ID is to show that you are who you say you are, why  
24   wouldn't the photo be sufficient.





1 Another requirement that is in the  
2 Illinois bill that you see in some other states is  
3 that the photo ID be unexpired and valid. Again,  
4 not clear how that's relevant to the ID function of  
5 the photo ID, and particularly valid is often not  
6 defined. If your driver's license is suspended  
7 because of a traffic violation, does that make it  
8 less of an identification?

9 So, again, requirements that really don't  
10 seem to have much connection in reality.

11 Then you have the state-issued card which  
12 the Illinois bill and which in many states you can  
13 get if you don't have a valid photo ID, but the  
14 documentation for that, again, not always  
15 completely justified. So first of all, you have to  
16 provide either a photo ID which sort of seems a  
17 little redundant and ridiculous or a nonphoto ID  
18 that contains both your name and your date of  
19 birth. Again, not clear where the relevance of  
20 that is.

21 You need a utility bill, rental agreement,  
22 a tax return to verify your address and also to  
23 independently verify your voter registration.  
24 well, if you registered to vote, you have already



1 verified your address. And if you are not the head  
2 of your household, if you're living with families  
3 or others and they receive the utility bills and  
4 the rental agreement is in their name, then how do  
5 you provide that documentation?

6 So I think the answer to your question is  
7 that there are many ID requirements in this  
8 proposed Illinois bill but also in other states  
9 that don't have that rationale.

10 I actually don't know the question -- the  
11 answer to the other question about whether any of  
12 those instances took place in Illinois. That's  
13 something that I would be happy to look up and to  
14 submit to the committee unless someone else knows  
15 the answer to that question.

16 CHAIRMAN LINARES: And we will accept any  
17 written testimony both today and before writing the  
18 recommendation.

19 So Ms. Glenberg, Mr. Huebert, Ms. Gandhi,  
20 and Ms. Greenwood, thank you so much for your  
21 testimony today. We will take a ten-minute break  
22 and reconvene at 9:45. With that, this panel is  
23 closed.

24 (Off the record at 9:34 a.m.)



1 (On the record at 9:49 a.m.)

2 CHAIRMAN LINARES: Thank you once again for  
3 those of you who were here for the previous panels  
4 and then we have a new panel on voting and  
5 incarceration.

6 Before we get started, I would like for  
7 those Committee members who arrived after the  
8 beginning of the first panel, if you could say your  
9 name and where you come from.

10 MR. GARCIA: Rick Garcia. I am with  
11 LGBT Impact and I am from Chicago.

12 MS. WORTHAM: Anne Wortham, Associate Professor  
13 of Sociology at Illinois State University.

14 MR. NEVELS: Malik Nevels, Executive Director  
15 for the Illinois African American Coalition.

16 MR. HOWARD: Bill Howard from Chicago State  
17 University.

18 CHAIRMAN LINARES: Thank you. And just for a  
19 reminder for the Committee members, you need to use  
20 your microphone. And then there is one for our  
21 panelists as well. If you could please use the  
22 microphone when you give your testimony.

23 So with that, I'm going to introduce each  
24 one of our panel members and we do have rules.



1 I'll announce those rules again. There's always  
2 exceptions and we're going to use that today  
3 because our first speaker, Ms. Christina Rivers,  
4 has a commitment that she let us know about  
5 beforehand. So what we're going to do is when  
6 Ms. Rivers gives her testimony, we'll jump into a  
7 ten-minute question and answer or five-minute  
8 question and answer session with her. She'll go do  
9 what she has to do, and then we'll continue with  
10 the rest of the panelists.

11 So with that, let me introduce -- I just  
12 introduced Ms. Christina Rivers with  
13 DePaul University's Political Science Department.  
14 We also have Michelle Mbekeani-Wiley with the  
15 Sargent Shriver National Center on Poverty Law. We  
16 have Ms. Cara Smith with the Office of the Cook  
17 County Sheriff. We have Mr. Nasir Blackwell with  
18 the Inner-City Muslim Action Network. And we have  
19 Mr. Marlon Chamberlain with the Community Renewal  
20 Society. Thank you for coming.

21 We'll start with Ms. Christina Rivers. By  
22 the way, you have 10 to 12 minutes for your  
23 presentation. I do have cards here that will  
24 announce when you have five minutes, three minutes,



1 one minute, and then the end. And, then, again  
2 with Ms. Rivers we'll start with question and  
3 answer right after your testimony.

4 MS. RIVERS: Thank you, everyone. Again, I'm  
5 Christina Rivers. I'm an Associate Professor of  
6 Political Science at DePaul University, and I'm  
7 very, very honored to be here and to share what I'm  
8 learning about problems with respect to felon  
9 disenfranchisement and prison-based gerrymanders.  
10 I also appreciate you letting me go early. I have  
11 to go back to school. Today is our last day of  
12 class of the winter quarter. So it's not exactly  
13 the best class to suspend, even though I'm sure my  
14 students would have loved it. And I'm also  
15 thankful for this opportunity because I will be  
16 discussing this hearing when I go back to class,  
17 the class on mass incarceration. So I can't think  
18 of a better way to end my quarter. So thank you.

19 what I'm going to talk about again today  
20 is the political implications of mass incarceration  
21 on democracy. So just to give some brief context.  
22 I put a slide up here.

23 The initial founding era vision of voting  
24 was very restrictive, and as you can see up there,



1 there were several conditions that people had to  
2 have in order to be able to even vote. And so all  
3 of those conditions in the white have now been  
4 changed, except for that one in the orange, and  
5 those that I have in orange denote those things  
6 that I'm going to talk about that have a racial  
7 implication.

8 So of all of those conditions, all of  
9 those restrictions, none exist anymore except for  
10 felon disenfranchisement.

11 There's some interesting principles behind  
12 -- we just had a discussion here at the table here,  
13 you know, why do we have these laws that  
14 disenfranchise those who are either serving a  
15 sentence or have completed their sentences? The  
16 origins are really quite old, depending who you  
17 read. They go back at least to the Medieval  
18 concept, some would say earlier even to Ancient  
19 Greece, to this notion of civil death, in other  
20 words, the extent to which one commits an offense  
21 against another person or against society. Their  
22 political personhood is suspended while they are  
23 serving out that punishment.

24 This was then reinforced by Rousseau's



1 social contract theory which basically is a  
2 contract with each other. So those are sort of the  
3 principles of some of the disenfranchisement laws.

4 There's also the pragmatics. Those  
5 initial disenfranchisement laws reinforced the  
6 original founding era limitations on popular  
7 democracy. Several decades later, the 14th  
8 Amendment actually reinforces this. In Section 2,  
9 there is a little clause in there that allows for  
10 the suspension of voting rights for people who have  
11 committed crimes.

12 And so what ends up happening is there's a  
13 reinforced connection between race, between laws  
14 behind political behavior and citizenship and  
15 political power. And so these slides come from a  
16 longer talk that I have that talks about the  
17 connections and the reinforcement of felon  
18 disenfranchisement laws through the era of  
19 Jim Crowe. I'm going to assume we all know about  
20 that. So I skipped past that.

21 And so I just wanted to put this in  
22 context of the war on drugs which becomes a war on  
23 equality, in particular, political equality. So  
24 most of us know that the U.S. has about 2.7,



1 2.3 million, depending who you talk to, folks in  
2 jail or in prisons. 6.1 million people totally  
3 under penal supervision, and there are profound  
4 racial disparities. You can see by those raw  
5 numbers in the right how really profound the racial  
6 disparities are with respect to the representation  
7 of African-Americans in the criminal justice  
8 system, in the incarcerated state.

9 So that's -- I'm not a big person on  
10 numbers. That's probably all the numbers I'm going  
11 to give you for the most part.

12 And so what this means is for all those  
13 folks who are either incarcerated and serving time  
14 for a felony, not in jail, for all those folks  
15 serving time in jail -- I'm sorry, in prison  
16 serving time or who are under the penal provisions,  
17 this amounts to about 2.5 percent of our total  
18 population.

19 There are 48 states that prevent those who  
20 are serving their sentence from voting. The only  
21 two states that allow people in prison to vote are  
22 Maine and Vermont. They vote in absentia. So they  
23 turn in absentee ballots. Puerto Rico actually  
24 allows those who are incarcerated to vote as well,





1 and they create -- they set up a polling place in  
2 the prison. Outside of that, the vast majority of  
3 the states in this country do not allow people to  
4 vote while they're serving a sentence.

5 The four states that I highlighted there  
6 show -- exemplify the sort of torturing attempts to  
7 disenfranchise and then reinfranchise. So, for  
8 example, a few years ago Iowa had pretty much a  
9 permanent ban on felons in voting even when they  
10 got out. That was changed to give them more of a  
11 chance to re-register to vote and then it was  
12 changed again to make it permanent.

13 Florida went through a similar situation.  
14 And in Florida's case, it was over the course of  
15 about three years.

16 Kentucky went through a similar situation.  
17 In Kentucky's case, the right to vote was restored  
18 and then restricted again in a matter of months.

19 And Maryland has an extremely tortured  
20 case of going back and forth and back and forth on  
21 this, but, finally, those who have served their  
22 time in Maryland can vote. You can see this is a  
23 very moving target and most of the back and forth  
24 on these laws run along strictly partisan lines.



1           The gist is in four states you can see  
2   that over 20 percent of African-Americans are  
3   disenfranchised due to felony convictions. And  
4   that is absolutely profound.

5           And so I'm going to leave it to you to  
6   read the rest of these numbers, but this is a  
7   serious problem with respect to representation and  
8   race in this country.

9           So the good news is that Illinois, as we  
10   were talking about just a few minutes ago, is one  
11   of the more generous states. So folks who have  
12   served their sentence are eligible to vote and  
13   register to vote immediately upon release. They  
14   can still be doing parole, probation. They can be  
15   under supervision, but they are immediately  
16   eligible to vote upon release as soon as they walk  
17   out. They do have to register, and we've already  
18   discussed -- the preceding panel discussed some of  
19   the problems that can come along with registering  
20   if they don't have proper ID and become registered.  
21   But Illinois has a very generous approach in a  
22   relative sense to felon disenfranchisement compared  
23   to other states.

24           So with that, I'm going to move on to this



1 other little thing called prison-based gerrymanders  
2 which is another thing that is sort of hidden in  
3 plain sight. It has negative implications for race  
4 and representation. And so prison gerrymanders are  
5 the practice of the U.S. Census counting prisoners  
6 at the prison address and lawmakers then counting  
7 prisoners in those -- in districts that have  
8 prisoners, counting those prisoners as part of the  
9 district's population, keeping in mind that these  
10 prisoners can't vote. So they're sort of filler.

11 And the quote that I have up there relates  
12 to three-fifths clause because this operates in a  
13 very similar way as the three-fifths clause back  
14 when it existed. And so that quote that I have up  
15 there is a critic of the three-fifths clause in  
16 response to Jefferson's land in the 1800s where he  
17 basically says, Great men never lack supporters who  
18 manufacture their own voters. He's not talking  
19 about Thomas Jefferson's children or his slaves  
20 reproducing with respect to children. He's talking  
21 about this idea where slaves can sort of  
22 manufacture their own voters by having these bodies  
23 of slaves counting for them in terms of  
24 districting, electoral college allocation, and



1 other allocations that are related to population.

2 And so the practice of counting prisoners  
3 at prison addresses and then locales counting them  
4 in their electoral districts creates what many  
5 scholars have called either phantom constituents,  
6 zombie constituents, ghost constituents. I'm  
7 taking these, by the way, all from titles of  
8 articles that have been written about this topic,  
9 although I wish I could have come up with that  
10 language on my own.

11 So, in other words, you have these bodies  
12 who are in prisons who are counting for someone's  
13 political representation, but not theirs.

14 And so this conflicts with state's --  
15 typically states have what they call usual  
16 residence rules. So you have situations where  
17 other people are not living at home, but they can  
18 still count themselves at home or the census counts  
19 them at their regular home residence. The common  
20 example of that are college students who live in  
21 dormitories or younger children who may be in a  
22 boarding school or the military or people who work  
23 outside of the state or outside of the country.  
24 And so most states allow the people who are being



1 counted to determine where they want to be counted  
2 or whoever is filling out that census form on  
3 behalf of their household.

4 States are not compelled to count  
5 prisoners at a prison address. And so the  
6 localities that do that in some states run aground  
7 of the state's usual residence rules. And as with  
8 states, it differs. There's many different types  
9 of usual residence rules as there are states.

10 There's also the potential of these prison  
11 gerrymanders to conflict with the 14th Amendment's  
12 equal protection clause and with the principle of  
13 one-person-one-vote because districts that count  
14 prisoners are empowered with these bodies that  
15 adjacent districts don't have if they don't have a  
16 prison. And so it skews local representation which  
17 are typically small districts.

18 So in a very real sense, there's a  
19 reinvigoration of the three-fifths clause, this  
20 time not strictly targeting African-Americans, but  
21 also it's at a one-to-one ratio. Again, the  
22 problems here with prison gerrymanders are  
23 manifest.

24 I got a link here. I won't have time to



1 show this now, but the people who want to see how  
2 this works, because it's kind of a tough thing to  
3 follow, if you just Google Anamosa, Iowa, there's a  
4 nice little three-minute video that shows you how  
5 this works.

6 Now Illinois Representative LaShawn Ford  
7 has put forth a bill to end this practice. It was  
8 tabled and it was tabled, in part, because there  
9 were downstate legislators who pushed back against  
10 it because they didn't want to lose the funding  
11 that sometimes comes with prisoners who are in the  
12 prisons, who are in their districts.

13 And so the jury is out on how much of an  
14 effect there is on funding allocation. There is  
15 some experts that say there is no effect. I think  
16 that has to do with federal funding, but there are  
17 other studies that show that there are  
18 disproportionate funding effects at the state  
19 level. And so there's that funding inequality as  
20 well as political inequality.

21 So the conclusion is that racial  
22 disparities in the criminal justice system lead to  
23 racial disparities in political representation.

24 I will leave it to the rest. The folks



1 can read what's up in here. What I really want to  
2 point out is the U.S. really deviates sharply from  
3 other developed democracies with respect to how  
4 many people we disenfranchise, with respect to this  
5 practice of prison gerrymandering, and certainly  
6 with respect to just the sheer number of people  
7 that we incarcerate.

8 And so the system of mass incarceration  
9 has profound political implications. While it's  
10 very encouraging that there's much more light being  
11 shed on the system of mass incarceration as it  
12 exists now, in my view as a political scientist,  
13 there's been insufficient discussion of these  
14 political ramifications. And so I'm that much more  
15 grateful to have the opportunity to talk about  
16 those problems here. Thank you.

17 CHAIRMAN LINARES: Thank you so much,  
18 Professor Rivers. Because we have a larger panel  
19 here today, we want to respect time, we'll open it  
20 up to either two questions or seven minutes of  
21 question and answers, whichever comes first.  
22 Questions?

23 MR. COPELAND: One of the things I was  
24 wondering is given the host of challenges faced by



1 formerly incarcerated persons attempting to  
2 rehabilitate and re-enter society, it seems that  
3 voting access might be pretty low on their list of  
4 priorities, which is not to say that it's not at  
5 all important. In fact, I think the opposite is  
6 exactly the true.

7           So I'm curious if you're aware in your  
8 social science research of empirical data or even  
9 anecdotal data about how valuable people attempting  
10 to reintegrate consider this to be. And then if  
11 there are other suggestions you might have with  
12 regard to how reinfranchisement might actually be  
13 used, I mean, for right now as a transition from  
14 where things are to where ideally they could or  
15 should be of a way of promoting people to be able  
16 to reintegrate and have some say as a citizen.

17           MS. RIVERS: I am happy to say that there's a  
18 great deal of interest on the part of people who  
19 are incarcerated either in jails or in prisons.  
20 I'm so glad you asked that question.

21           I actually have been teaching about this  
22 in a class that I taught at Stateville Correctional  
23 Center last spring. I now have what's called a  
24 think tank that continues those discussions. And





1 so I had them read my paper because that's what  
2 professors do, right? And they were very  
3 interested in both the felon disenfranchisement  
4 piece and the prison gerrymandering piece. And so  
5 they actually came up with a survey about this.  
6 And this started just from a side conversation that  
7 they had with each other while they were waiting  
8 for food one day when they were talking about what  
9 we had discussed.

10 And so of the poll -- and so far I have  
11 gotten a small number. I gave out 50 copies of  
12 this poll. Twenty-seven survived a major, major  
13 lockdown. So I'm talking about 27 responses to  
14 50 polls. Of the 27 responses, 16 did not know  
15 that they could get their right to vote restored  
16 upon release. Eleven did. That's actually a  
17 higher response than we suspected. So that shows  
18 you there is an awareness that 11 out of the 27 did  
19 know that they could be -- have their voting rights  
20 restored.

21 In response to the question, how important  
22 is the right to vote, 25 out of 26 said very  
23 important. These were paper surveys that were  
24 circulated around the blocks. I did not hand these



1 out. The inmates with whom I worked handed these  
2 out.

3 To the question, are you aware of the  
4 process required in Illinois to regain the right to  
5 vote after incarceration, here's where the problem  
6 is, 80 percent said no. So you have this expressed  
7 interest, but 80 percent said they weren't aware of  
8 the right.

9 And in response to the question of how  
10 likely would you vote after released, 96 percent  
11 said very likely. This is an institution where  
12 most of these people are not going to get out.

13 And so, again, that's a very small study,  
14 but I think it's very illustrative. I do know of  
15 other organizations in other states of people who  
16 have been incarcerated who are now working to get  
17 their state laws changed to make it easier for them  
18 to register to vote and also to get rid of more  
19 Draconian felon disenfranchising laws that exist in  
20 other states like Georgia and Alabama that are much  
21 worse than here.

22 So the interest is there. The activism is  
23 there. It's just starting to really build up.

24 CHAIRMAN LINARES: Thank you. Mr. Kazmi has a



1 question.

2 MR. KAZMI: Ms. Rivers, just a question. If  
3 you said this, forgive me. Have there been any  
4 lawsuits on equal protection grounds of the  
5 14th Amendment for political gerrymandering?

6 MS. RIVERS: Yes. The last -- the one that I'm  
7 most familiar with, and I can be corrected by my  
8 colleagues here, the one that stands -- that comes  
9 out to my mind is Vieth versus Jubelirer. I'm not  
10 sure if I'm pronouncing that correctly.

11 MR. KAZMI: What was the first one?

12 MS. RIVERS: Vieth, V-i-e-t-h. I believe it  
13 was a 2003 case. And that was where the Supreme  
14 Court held that political gerrymandering was not an  
15 equal protection violation. And so it gave states  
16 the right to engage in political gerrymandering.

17 I know there have been some decisions  
18 since then, but, to me, that is sort of the  
19 benchmark on where we stand now.

20 CHAIRMAN LINARES: We actually have time for  
21 one more question. Ms. Haleem?

22 MS. HALEEM: My question would be -- so the  
23 concept of not allowing incarcerated individuals to  
24 vote is Medieval. It was initially theirs. So how



1 many -- how well is that known? Is that common  
2 knowledge for, you know, many of us, and if we --  
3 if Americans knew about that, would they have a  
4 problem with that? And has that -- I'm just  
5 asking. How do we go about correcting it?

6 MS. RIVERS: I don't think it's common  
7 knowledge that Americans know that we have this  
8 felon disenfranchisement practice that is so deeply  
9 rooted in Medieval law. I honestly don't think  
10 that's common knowledge.

11 I can't answer about what -- I'm not sure  
12 what the response would be. I can guess that there  
13 would be a fair amount of the population that  
14 thinks that that's ridiculous. I can also guess  
15 that there would be a pretty good portion of the  
16 population that says, hey, you do the time -- or  
17 the crime, you do the time, and that means you  
18 can't vote. That's fine.

19 what I am noticing over the past ten years  
20 or so since this issue of mass incarceration has  
21 nearly bubbled up to the surface is that there's  
22 much -- there's an increasing amount of openness  
23 and recognition that this is a system that needs to  
24 be completely overhauled.



1           Anecdotal speaking, when I talk to  
2 people about disenfranchisement laws and prison  
3 gerrymanders, they're not happy with that. But I'm  
4 also tending to talk to people in academic circles  
5 or conferences, probably kind of a biased crew, but  
6 there are even people who would take a more  
7 conservative approach to punishment that I think  
8 would probably still have an issue with the  
9 derivation of these practices and the continuation  
10 of them, especially recognizing that to have  
11 somebody released who served their time where  
12 they're supposedly re-entering society but they  
13 can't vote is second-class citizenship. There's no  
14 way around that.

15       MS. HALEEM: So my follow-up question or  
16 comment would be that the same concept applies to a  
17 right to citizenship, that one cannot -- the right  
18 of citizenship can't be taken away, and that sounds  
19 so obvious to people. So wouldn't the right to  
20 vote or participate in civic society be also  
21 something that cannot be taken away?

22       MS. RIVERS: That's certainly been my argument.  
23 And most of the people that I've made that argument  
24 to agree to that, but there's also others who would



1 say that -- who look at the commission of the crime  
2 in a more permanent way, that tend to connect that  
3 particular action to that person for the rest of  
4 their lives. And many people would argue, well, to  
5 continue to punish them like that is also a  
6 violation of the 8th Amendment, against cruel and  
7 unusual punishment.

8 I think that these two issues have had so  
9 little attention that a lot of folks are still  
10 right now making up their minds about it. But I  
11 sense and from what I have understood from people  
12 who have responded to me about my work and others  
13 who do my work, there seems to be much more  
14 openness to be considering these laws than there  
15 has been in the past which I find helpful.

16 CHAIRMAN LINARES: Thank you so much,  
17 Professor Rivers, for your testimony. With that,  
18 we know you have to leave. We appreciate you being  
19 here and sharing with us.

20 With that, we're going to go then four in  
21 our row with our speakers. And Ms. Mbekeani-wiley,  
22 then you have the floor. You have 12 minutes.

23 MS. MBEKEANI-WILEY: My name is  
24 Michelle Mbekeani-wiley, and I am the Community



1 Justice staff attorney at the Sargent Shriver  
2 National Center on Poverty Law.

3 So for the past year, I have worked  
4 alongside the Cook County Department of Corrections  
5 and Cook County Clerk David Orr's office to  
6 increase voter turnout at the Cook County Jail.  
7 Just to provide some context since people don't  
8 know. The Cook County Jail is overwhelmingly  
9 black. So when I speak of barriers to voting while  
10 detained at Cook County Jail, I'm speaking about  
11 barriers that have a disproportionate impact on  
12 black people and specifically black people living  
13 in Chicago.

14 So prior to the November 8, 2016,  
15 presidential election, I led an effort to register  
16 individuals detained at the Cook County Jail. This  
17 included going to the jail every weekend and  
18 registering individuals detained in person. We  
19 registered over 1,000 people. And with more  
20 volunteers and competence, we could have done more  
21 because there was certainly a desire to register to  
22 vote within the jail. That kind of speaks to the  
23 earlier statement of whether that's a first  
24 priority, but I can certainly attest that in the



1 jail a lot of people were very eager to register to  
2 vote even though they were in a very stressful time  
3 of awaiting trial.

4 An overwhelming majority of the  
5 individuals who registered were young, black men.  
6 When I say young, individuals under the age of 25.  
7 Through this effort of registering individuals has  
8 exposed some varying obstacles that these  
9 individuals encounter when they're trying to  
10 register to vote. The three primarily being access  
11 to social security Number, access to an address, an  
12 uncertainty of whether they are even eligible to  
13 vote, which was touched on earlier.

14 I'll first go into the social security  
15 Number. I know that that was kind of addressed in  
16 the earlier panel. So whether registering a person  
17 online or by mail with the social security Number,  
18 the last four digits are required. And if a person  
19 doesn't have that number ingrained in their mind  
20 while they're detained or don't have access to it,  
21 they can't register to vote. We found that  
22 actually a lot of young people never knew their  
23 social security Number.

24 Now this was already addressed so I won't





1 go too much, but I think what was already addressed  
2 was how hard it is to recover your Social Security  
3 Number within this very building. You need a birth  
4 certificate or a passport. That's just for  
5 citizenship. Then you also need other documents  
6 verifying identity. And so these are documents  
7 that people in Cook County Jail do not have access  
8 to.

9           So to kind of give a story of how this  
10 plays out, we had younger individuals. We found  
11 that younger individuals under the age of 21 never  
12 knew their Social Security Number. Many had  
13 entered actually through the juvenile temporary  
14 detention center and aged out while awaiting trial  
15 and were now at the Cook County Jail as adults.

16           So we had one young woman who entered into  
17 the juvenile temporary detention center at the age  
18 of 16. Upon turning 18, she was transferred into  
19 Cook County Jail and is still awaiting trial. Like  
20 many 16-year-olds, when she entered, she did not  
21 know her Social Security Number. Now as an 18-,  
22 19-year-old who is eligible to vote, I was unable  
23 to register her to vote because she never knew her  
24 Social Security Number. She was also disconnected



1 from her family and that being that she was in  
2 custody, there was no way for her to actually go in  
3 person and to recover her Social Security Number so  
4 she could vote, a right that she obtains while  
5 still awaiting trial. So that young woman was  
6 unable to vote absentee ballot this past November.

7 I speak on this story because David Orr's  
8 office has done a great job of ensuring that there  
9 is an absentee ballot for people in Cook County  
10 Jail. They have partnered with the Sheriff's  
11 Department for years on this effort, but  
12 registering people to vote is still a barrier that  
13 we have encountered because they don't have access  
14 to the necessary documents.

15 Another issue we found was establishing  
16 residency, and I think this is somewhere that we  
17 can actually make some progress if we tweak the  
18 policies that we have with our Board of Elections.  
19 So the nature of our overburdened court system that  
20 we have in Cook County and limitless use of  
21 continuances has resulted in various individuals  
22 awaiting trial for, say, over four years. As a  
23 result, many individuals at Cook County Jail see  
24 the jail as their residence and it is where they



1 receive their mail and where they spend their days  
2 and so forth.

3 But just this past weekend, I tried to  
4 register a young black man who could not recollect  
5 any address he had because he had been awaiting  
6 trial in Cook County Jail for six years. He had  
7 lived inside Cook County Jail for six years, and  
8 this is actually a longer amount of time than a  
9 college student would spend on their own campus.  
10 Therefore, he was greatly upset that a facility  
11 that he had spent more than a quarter of his life  
12 at could not be used as a residence for purposes of  
13 registering to vote.

14 In the past, I registered these types of  
15 individuals as homeless voters and used a jail  
16 address as their shelter. But upon doing that, I  
17 was quickly notified by the Chicago Board of  
18 Elections that that was not permitted because the  
19 jail could not be considered a shelter.

20 This is very problematic because we find  
21 that we're not permitting people to use the jail as  
22 their address regardless of how many years that  
23 individual has actually spent time within the  
24 facility.



1           The prohibition of using the jail as a  
2 shelter for voter registration even in instances  
3 where the individual has continuously been detained  
4 there for more than three years which is, in fact,  
5 longer than the average amount of years people  
6 spend in IDOC for gerrymandering purposes is in  
7 stark contrast with states even like Florida.  
8 Florida allows their people to use a vacant lot or  
9 even a park bench or two street corners, an  
10 intersection, as a residence or address for shelter  
11 purposes when they register to vote.

12           Yet in Illinois, the Chicago Board of  
13 Elections would not permit individuals that were in  
14 Cook County Jail for over three years to use that  
15 residence where they receive mail as a residence  
16 for purposes of registering to vote.

17           As a result, we had several individuals  
18 that were almost in this kind of residential exile  
19 because they could not recollect their last address  
20 from five years ago, four years ago which is  
21 reasonable. They did not have any family ties or  
22 anyone even living in that address anymore, and yet  
23 they couldn't use the jail as a shelter for  
24 homeless purposes as a homeless voter. This is



1 also in stark contrast with the state's own policy  
2 of permitting college students who use their school  
3 address which was stated earlier and, again, it's  
4 also in stark contrast with the U.S. Census that  
5 says that people that are incarcerated in IDOC use  
6 that as a residence for purposes of districting but  
7 don't let the very same people that are in jail,  
8 and the only distinct factor is they have not been  
9 convicted.

10 So this prohibition puts the detained  
11 population which is predominantly black in  
12 residential exile and barring them from the  
13 opportunity to register vote and in turn vote as  
14 they await their trial, a right they maintain until  
15 they're convicted.

16 Now the final thing which was also touched  
17 on earlier was these myths of whether you could  
18 vote. Again, I've been able to interface with  
19 hundreds of people, speak with them and also trying  
20 to convince them that they have the right to vote.  
21 Both individuals detained and correctional officers  
22 were surprised that people with felony convictions  
23 retained the right to vote. I frequently had to  
24 convince detainees that they could vote despite



1 their criminal history.

2 Last summer, I registered a black man who  
3 was 64 years old. He had never registered to vote  
4 before because he thought his felony convictions  
5 barred him from doing so. Though that may have  
6 been true in Illinois in the past, that's far from  
7 the truth today. We have one of the more  
8 acceptable ways of voting for parole and probation.  
9 A lot of them were surprised about that.

10 And in response when I told him, he  
11 stated, there should be a way to let people know  
12 with felony convictions about the new laws that  
13 impact their right to vote.

14 In Illinois, only -- so we created a  
15 poster and we put them in all eight divisions of  
16 Cook County Jail prior to the November election  
17 informing them that if you are registered to vote  
18 in the State of Illinois, even if you have felony  
19 convictions, even if you're on parole or probation,  
20 even if you're serving a misdemeanor conviction,  
21 you can still vote. The only people in Illinois  
22 who cannot vote are the ones who are currently  
23 serving a sentence for felony convictions.

24 So this was done through both, you know,



1 the Cook County -- sorry, the Cook County Clerk's  
2 office as well as correctional officers, and there  
3 is definitely a joint effort to ensure that people  
4 were informed of their right to vote.

5 So I want to leave with one last thing.  
6 We cannot stop with just doing these local efforts.  
7 It has to be a statewide effort because I found  
8 that even though Cook County is the largest jail in  
9 the state, if not the nation, we have other county  
10 jails that don't have these volunteer efforts  
11 coordinated to ensure that their populations have  
12 the right to vote.

13 As of last check nationally, which we were  
14 recently featured in Slate Magazine, Cook County  
15 Jail and D.C. are one of the only jails in the  
16 country that have a coordinated absentee ballot  
17 effort. So it's good to know that within this  
18 county that we're ahead of the trends, but if we're  
19 as a state looking at the rights of people to vote  
20 while in jail, it does need to be a statewide  
21 coordinated effort.

22 In conclusion, given that incarceration  
23 disproportionately impacts black communities in  
24 this state, the state must ensure that the



1 incarceration does not become a new polling tax for  
2 black and brown communities. You must acknowledge  
3 the inevitable consequences of incarceration, of  
4 being exiled from your community and personal  
5 identifying information such as your Social  
6 Security Number and last address.

7 We must account for the disproportionately  
8 young black and brown people in our jails that  
9 entered into custody through the juvenile system  
10 and have been awaiting trial for so long that  
11 they've transitioned into legal adulthood while in  
12 custody before remembering the last four digits of  
13 their Social Security Number.

14 And we also should note that barriers for  
15 voting while behind bars will always have a  
16 disproportionate impact on black and brown people  
17 so long as contact with the justice system  
18 disproportionately impacts black and brown people.  
19 Our boards of election must in turn aggressively  
20 combat the myths that individuals with felony  
21 convictions can't vote in the state when, in fact,  
22 even individuals who are still on parole and  
23 probation can vote.

24 And, finally, as a state, we need to make





1 sure that access to voter registration does not  
2 mirror historical Jim Crowe tactics that bars black  
3 and brown communities from polling places. So when  
4 the right to vote is retained, many barriers that  
5 are imposed by the state diminish that right and is  
6 a civil rights violation.

7 CHAIRMAN LINARES: Thank you so much for that.  
8 Ms. Smith, you have 12 minutes. You have the  
9 floor.

10 MS. SMITH: Good morning. I will not use  
11 12 minutes, but I'll give you some context for this  
12 conversation about what the population of the Cook  
13 County Jail looks like.

14 First of all, we are very proud of our  
15 engagement in the voter registration and  
16 facilitating absentee voting. The Sheriff is very  
17 committed to doing that.

18 People stay in the Cook County Jail for a  
19 very long time. There's been a lot of conversation  
20 about not only mass incarceration, but bond reform  
21 which impacts predominantly our minority  
22 population, which is 90 percent of the people in  
23 the Cook County Jail are minority. 95 percent of  
24 them are pre-trial, and only about 30 percent are



1 maximum security detainees. So the majority of  
2 people are in the Cook County Jail because they  
3 quite simply can't afford to post whatever bond has  
4 been set.

5 Today, we have 7500 people behind the  
6 walls and another 2400 people on electronic  
7 monitoring. And we have been focusing on how long  
8 people stay with us. I want to share just a couple  
9 of statistics that are relevant to this  
10 conversation.

11 We track lots of bits of data in the jail.  
12 We are the largest single site jail in the country  
13 meaning LA and Rikers may have larger populations  
14 totally, but we have all of our population in one  
15 96 acre compound at 26th and California. We track  
16 people that we call turn-arounds. These are people  
17 that spend -- these are low level offenders, again,  
18 the vast, vast majority of minorities who spend all  
19 of their ultimate prison sentence in the Cook  
20 County Jail. So that by the time they are  
21 sentenced to a term of imprisonment, they already  
22 served it.

23 Last year alone, just under 1200 people  
24 served their entire prison sentence in the Cook



1 County Jail and, in addition to that, served an  
2 extra 244 years of incarceration beyond what they  
3 needed to satisfy their sentence. 244 extra years  
4 of incarceration. Shameful statistics any way you  
5 look at them, and statistics that bear the need to  
6 continue the reforms that are ongoing, and I think  
7 Illinois is in a leadership position to be  
8 abolishing cash bond and infusing justice into the  
9 way we incarcerate and manage our criminal justice  
10 system.

11 Only about 25 to 30 percent of our overall  
12 population ultimately serve a prison sentence. The  
13 majority return back to the community. And so  
14 these efforts that are underway both to advocate,  
15 to educate, and to empower individuals that are in  
16 our custody to engage in our Democratic process  
17 is -- it's a really terrific sort of intersection  
18 to allow these efforts to continue, and it's  
19 something that we feel very proud to be a part of.

20 So I think that's the way I can help this  
21 conversation is just by painting the picture of  
22 what the population of the jail looks like and  
23 reinforcing our commitment to continue to be part  
24 of these efforts to empower those in our custody.



1 Thank you.

2 CHAIRMAN LINARES: Thank you, Ms. Smith, for  
3 that testimony. We appreciate it.

4 Mr. Blackwell, the floor is yours. You  
5 have 12 minutes.

6 MR. BLACKWELL: Thank you for inviting me here  
7 to speak. My name is Michael Nasir Blackwell. I'm  
8 with the Inner-City Muslim Action Network. IMAN is  
9 an organization that fosters health, wellness, and  
10 healing in the inner city of Chicago by cultivating  
11 the arts, operating a holistic health center, and  
12 by organizing. I am one of their organizers.

13 I served 24 and a half years inside of the  
14 Illinois Department of Corrections. Prior to my  
15 incarceration, when I went inside County Jail,  
16 there was a state election, and of course I would  
17 like to vote. And I was adamantly told by jail  
18 officials, you do not have the right to vote.  
19 Okay. That was fine.

20 I received the reversal about Illinois  
21 Supreme Court in 1996 during the presidential  
22 election. Once again, I requested an opportunity  
23 to vote in the Will County Jail, and I was told I  
24 did not have the right to vote, especially now, now



1 that I've been convicted of a felony. So before is  
2 because I was charged and detained. Now because  
3 I'm convicted of a felony and I'm detained in the  
4 county jail, the reason why I don't have a right to  
5 vote.

6 So it's very important for this question  
7 to be brought forward to the Commission. From the  
8 little research I've done from the five major  
9 county jails within the State of Illinois, Cook  
10 County Jail is the only jail that has been allowing  
11 detainees access to the electoral process.  
12 Researching online county jail rules and  
13 regulations, they pretty much model I believe an  
14 agency that prepares these rules for them because  
15 the format on the web page is identical, except for  
16 a couple. And information within the web site are  
17 different based on address of the jail, population  
18 of the jail, and services of the jail.

19 But from my limited research, all the  
20 jails have no rules regarding a detainee's right to  
21 vote, their ability to register to vote; and  
22 research in Illinois voter laws, the statutory code  
23 doesn't even state an individual detained has the  
24 right to vote or right to register to vote.



1           So becoming aware of this information as  
2   an organizer in mind, I also work with individuals  
3   that during the presidential election process, we  
4   hit the neighborhoods registering people to vote.  
5   One of the individuals that I focused on, a group  
6   that I focused on, the ones who are returning  
7   citizens that do come home, to remind them they do  
8   have the right to vote.

9           Illinois Department of Corrections has a  
10   policy within the re-entry process, what they call  
11   that is the -- I forgot what it's called, but it's  
12   a program where incarcerated individuals who go  
13   through the process at least 90 days before they're  
14   released, and most institutions do inform them of  
15   their right to vote.

16           The maximum security prison, such as  
17   stateville, an individual who just entered into our  
18   re-entry home just arrived after serving in  
19   stateville 33 years in prison didn't realize he had  
20   the right to vote because he -- they didn't tell  
21   him that. They don't have a lot of the services at  
22   the maximum security prisons that the minimum and  
23   medium prisons has in regards to pre-release  
24   preparation and informing them of their statutory



1 right to vote.

2 So since my release, I did participate in  
3 the electoral process this year for the first time.  
4 So that was wonderful for me. I felt really,  
5 really great. I didn't have time to do the  
6 research on the individuals running because I do a  
7 lot of work with IMAN. I'm constantly busy. I'm  
8 working close to 15, 16, 17 hours a day, literally  
9 practically seven days a week because there's so  
10 much work to be done in our communities to bring  
11 them back to the forefront especially when you're  
12 returning citizens.

13 So some of the solutions that I was  
14 thinking of, an actual solution was from Michelle  
15 regarding -- and also my sister right here -- going  
16 to the jails. We do have enough volunteers. I  
17 believe that we can participate with your  
18 organization to help you out with that. So we do  
19 have people that would love to participate with  
20 that.

21 And I would like to continue further  
22 research regarding various county jails now that  
23 I'm working with the returning citizen population  
24 in the State of Illinois, and we're working on



1 surveys from the bill we just had signed into law  
2 dealing with parole reform. So on the surveys, I  
3 will ask, do you know you have the right to vote,  
4 just so we can start collecting that data. And I  
5 can start using that information around organizing  
6 so that we get out in the streets and start helping  
7 these individuals register.

8 CHAIRMAN LINARES: Thank you for that,  
9 Mr. Blackwell. We appreciate it. Mr. Chamberlain,  
10 you have the floor.

11 MR. CHAMBERLAIN: I won't need 12 minutes  
12 either. Good morning. My name is  
13 Marlon Chamberlain and I'm organizer with the  
14 Community Renewal Society. And the particular  
15 group of people that I work with are formerly  
16 incarcerated and we have a group called the FORCE  
17 Project which is an acronym for Fighting to  
18 Overcome Records & Create Equality, and it's  
19 actually led by people with records to address  
20 policy that directly affects us.

21 I also served ten years in federal prison.  
22 I was originally sentenced to a 20-year federal  
23 prison sentence for a nonviolent conviction, and in  
24 2007 when the non -- when the Fair Citizen Act





1 passed, my sentence was reduced from 20 to 14 years  
2 in which I served 10.

3 A lot of the work that we do I think we've  
4 heard already this morning, but I think our focal  
5 point, and like I said, we've heard this over and  
6 over, is just the educational piece. Because when  
7 I was released from prison, my PO told me that I  
8 couldn't vote, and along with like pretty much the  
9 90 percent of the halfway house that I was sent  
10 home to was under the impression that we couldn't  
11 vote.

12 And so part of our work now has really  
13 been just getting out in the streets and really  
14 educating people about their rights to vote. So we  
15 have these workshops that we do call Know Your  
16 Rights, Exercise Your Rights, in which we explain  
17 to people that they can vote, and then we also  
18 explain that the process doesn't end just when you  
19 vote, that people can get involved and that it's  
20 important for you to know who your alderman is and  
21 what his responsibility is, who is your State  
22 Senator, your representative -- your House  
23 Representative and what their responsibilities are.

24 We also teach classes about how a bill is



1 created and passed through the legislature. And  
2 then we also organize people with records and take  
3 them to Springfield to address a lot of the policy  
4 that's in place that hinders us from actually  
5 making a transition back into society.

6 so a lot of our work is educational,  
7 getting out in the streets and really just talking  
8 to people. And a lot of things that I've heard  
9 this morning, when we did our voter registration  
10 drive, we had set our original goal of registering  
11 2,000 people with records. We didn't hit that  
12 goal, but we did hit a thousand people that  
13 registered to vote that had records, and some of  
14 the obstacles that we faced were the Social  
15 Security Numbers and the address as far as like  
16 having a permanent address.

17 But what I've learned overall in the  
18 process was the fact that people just didn't know.  
19 And because -- like I said, my PO told me that I  
20 couldn't vote. So it's just a lack of people being  
21 able to like really understand that they can vote  
22 and then also understanding why it's important for  
23 us, especially people with records, to be involved  
24 in the process because a lot of times when laws and



1 things are created, when you look at the table, at  
2 the people sitting in the room making decisions,  
3 you don't see people with records. And so it's  
4 almost like you have a group of people speaking on  
5 behalf of people who really don't understand what  
6 our obstacles and issues are.

7 And that's really what we like really  
8 stand in value and believe in as far as having  
9 people with records at the table when decisions are  
10 made and then also educating people about what  
11 their rights are. Thank you.

12 CHAIRMAN LINARES: Thank you so much. And  
13 Mr. Chamberlain, just a point of clarification.  
14 You mentioned PO. I assume that means parole  
15 officer?

16 MR. CHAMBERLAIN: Yes.

17 CHAIRMAN LINARES: With that, we have 25 about  
18 minutes on this panel for questions and answers.  
19 I'll repeat the rules. So everyone on the  
20 Committee is entitled to one question and one  
21 follow-up, but we can amend those rules if we have  
22 time remaining at the end.

23 Mr. Nevels had a question.

24 MR. NEVELS: Yes. This question is for



1 Michelle. You mentioned that of the top three  
2 barriers of young people you were working with, and  
3 I guess it was Cook County Jail, one of those was  
4 access to the last four digits of their Social  
5 Security Number. Maybe I don't understand, you  
6 know, the way that the Sheriff's Department or Cook  
7 County Jail operates, but it would seem to me that  
8 the incarcerating entity would have access to that  
9 information.

10 MS. MBEKEANI-WILEY: No, that's not the case.  
11 They do not. Just this past weekend, we had a few  
12 people and the correctional officer, even though he  
13 could verify your address and so forth, that was  
14 not available. I think that also goes with our  
15 standard arrests reports for Chicago Police  
16 Department. Some departments vary. They no longer  
17 input the last four digits of your Social Security  
18 Number on that fingerprint card. So that's not in  
19 your court case. That's not in your docket.

20 But for the correctional officers, from  
21 what I have seen them entering, looking to see if  
22 this is the right name, this is the right address  
23 if it's put in there, the Social Security Number is  
24 not one, not the information that they have on



1     there.

2             But to speak to that, one of the things  
3     that I always thought would be a good idea is, you  
4     know, every person that is, you know, arrested has  
5     a fingerprint, an IR number. And I think the IR  
6     number is actually more reliable than your Social  
7     Security Number because you can't really change  
8     your fingerprint. So you have people that have  
9     various aliases, but that IR number is always the  
10    same. And I have seen that through the expungement  
11    and sealing process that you put that name in, but  
12    once you have that fingerprint number, that's your  
13    identifier not just for the police department but  
14    also entered into LEADS, the Sheriff's Department  
15    as well as the FBI.

16            So it may be problematic and some  
17    unintended consequences if we start giving that as  
18    an option, but there has to be an alternative for  
19    people that don't have access to their Social  
20    Security Numbers or change the process of people  
21    getting their Social Security Numbers while also  
22    being sensitive to, you know, identity theft.

23            CHAIRMAN LINARES: Ms. Wortham?

24            MS. WORTHAM: Perhaps Sheriff Smith can help or



1 any of you. Do you know why the Social Security  
2 Number was removed from their arrest record?

3 MS. SMITH: I don't know why it was removed,  
4 but it's not one of the identifiers that's used to  
5 positively confirm the identity of an arrestee. I  
6 think at the point that someone is entering the  
7 criminal justice system, we're looking to confirm  
8 that the person is who the person is which is done  
9 through the fingerprints.

10 CHAIRMAN LINARES: Mr. Copeland?

11 MR. COPELAND: Actually queuing from that, the  
12 earlier panel talked about voter ID, and it strikes  
13 me as kind of interesting, some of the folks that  
14 seem most concerned with the ability to identify  
15 eligible voters, having expanded it here.

16 It doesn't surprise me at all because as  
17 this would typically not be viewed as a very  
18 sympathetic population for a politician to risk his  
19 or her reputation much less re-election on, but  
20 given that -- for a person to be incarcerated,  
21 they're subject to due process of law. We're not  
22 going to incarcerate someone unless we're sure he  
23 or she is who we think they are and did the crime.

24 Is there an avenue for actually using the



1 identification process that is used in other parts  
2 of incarceration? We are essentially expanding to  
3 say we can identify this person and use that for  
4 voter registration.

5 MS. MBEKEANI-WILEY: Well, that's been also one  
6 of my arguments. Just to speak to the population.  
7 I do think that is a population that politicians  
8 hold themselves accountable because a lot of them  
9 are from their district. So maybe not necessarily  
10 on a national level, but aldermen, judges are held  
11 accountable to the people that are within the Cook  
12 County Jail as well as their families. It's just  
13 getting people out to vote.

14 But for -- one of the things that I did  
15 make an argument for is people within the Cook  
16 County Jail have like a county ID and it has a  
17 picture with their birth date, when they got in,  
18 and so forth. And so that's been one of my primary  
19 arguments is we can -- this should be -- this is  
20 considered an ID because if we don't know who they  
21 are and they're in the jail, then that's a problem,  
22 I mean, if you don't know who's in the jail; but  
23 then there's also an issue of ensuring that the  
24 name, whether it's an alias or the accurate name



1 and the fingerprint number, which is critical,  
2 that's online, the court case, is also the same  
3 information that's going through the booking  
4 process or the Sheriff's Department as well.

5 CHAIRMAN LINARES: Ms. Buys?

6 MS. BUYS: My question is also for you. It  
7 relates to something that Christina Rivers spoke  
8 about as well, and that is the issue of prison  
9 gerrymandering as it relates to the residents.

10 So you said that inmates who are awaiting  
11 trial can't use that as their residence, but they  
12 are counted for prison gerrymandering. Is that  
13 correct?

14 MS. MBEKEANI-WILEY: No, no. I'm saying it's  
15 in contrast with those detainees that have yet to  
16 be convicted, can't use it as a residence.  
17 However, people that have been convicted are using  
18 that for their residence for purposes of  
19 gerrymandering. The only distinction is  
20 conviction.

21 So pre-conviction, we're like, well,  
22 you're not a resident even if you've been there for  
23 eight years. But as soon as you're convicted and  
24 you go to IDOC, you are a resident.





1           Just to kind of expand on that. One thing  
2   that I know of, I've actually done several surveys  
3   of the state where prisons are, specifically  
4   Pinckneyville Correctional Center, there are more  
5   people incarcerated in their prison than there are  
6   in Pinckneyville, yet the representatives there get  
7   to count those bodies.

8           There are several grants for federal  
9   funding that use population according to the  
10   U.S. Census as determining factor or part of the  
11   equation of estimating how much funding that they  
12   get. And there has been pushback to the  
13   U.S. Census saying, hey, your reasoning for  
14   residence for people in college, they're able to  
15   decide where they want to use, the average stay in  
16   any prison is about three to five years, that's  
17   actually shorter than the actual stay for a college  
18   student, you should not be getting the body that  
19   can't even speak or vote on what they would like.

20         MS. BUYS: So are you aware if there are any  
21   lawsuits that have challenged this practice?

22         MS. MBEKEANI-WILEY: Not in the State of  
23   Illinois. I personally believe that legislation  
24   would be an ideal route. I know that



1 Representative LaShawn Ford has brought this to the  
2 table numerous times, and, you know, downstate has  
3 some pushback; but I do think a lot of people are  
4 not aware of the impact of having those bodies  
5 within those districts, and it's no coincidence  
6 that the representatives from those districts that  
7 have correctional backgrounds also push back as  
8 well as the lobbyists.

9           So there does need to be a more organized  
10 effort to support legislation and to also educate  
11 people on the impact of using those bodies for  
12 purposes of gerrymandering.

13           CHAIRMAN LINARES: Thank you. And I have a  
14 practical question for Mr. Blackwell and  
15 Mr. Chamberlain.

16           In your experiences, you talked about  
17 parole officers and other I'm assuming state prison  
18 officials who have mentioned that you just can't  
19 vote, right. So I'm wondering, in your experience  
20 or the experience of people you know, has this come  
21 in the form of they're just volunteering that  
22 information and maybe it's written down on some  
23 kind of policy paper or are you asking about the  
24 right to vote and they're giving you an answer?



1 MR. BLACKWELL: As far as the rules are  
2 concerned, there's nothing in the rules that  
3 educate me as far as my right to vote while  
4 detained in County Jail. I believe it was just the  
5 individual just responding to my question. I'm not  
6 going to go so far as saying that they were biased  
7 or they have this complicit feelings about  
8 individuals detained within the County Jail and  
9 their right to participate in the electoral  
10 process. I'm going to give them the benefit of the  
11 doubt, but being detained in the jail for over two  
12 years, I do know that the attitudes there are very,  
13 very extreme. So I can't go so far to say, yeah,  
14 they really don't want you to vote. They feel like  
15 you lost that right because you were arrested.  
16 That's the experience I had.

17 With that, I don't know of any lawsuit. I  
18 believe there was a lawsuit filed in Will County in  
19 the mid '90s. I don't know how -- I know there was  
20 a lawsuit filed about no law library, and they lost  
21 on that and they had to produce a law library, but  
22 I don't know as far as allowing someone the  
23 opportunity to vote. I don't know any detainees  
24 that did vote out of Will County Jail as far as I'm



1 acquainted.

2 MR. CHAMBERLAIN: I think my PO just didn't  
3 know. My parole officer didn't know. And this  
4 wasn't -- like in the halfway house, this wasn't a  
5 conversation that like staff would have with  
6 residents. So it would be, maybe you would ask and  
7 they would tell you to go somewhere downtown to  
8 find out if you can vote. So if that person didn't  
9 take the initiative to go actually do it, then they  
10 wouldn't know.

11 Fortunately, for me, I met the organizer  
12 of the FORCE Project at the time, and he was the  
13 one who really kind of guided me as to like the  
14 fact that I could vote and engage me in the process  
15 of actually getting involved.

16 CHAIRMAN LINARES: Thank you. Other questions?  
17 Ms. Rodriguez?

18 MS. RODRIGUEZ: Thank you, Mr. Chamberlain. So  
19 you brought up something that I just thought --  
20 maybe this is a follow-up question for Ms. Smith.  
21 You mentioned that the Sheriff is committed to  
22 facilitating absentee voting. Is there any  
23 training of parole officers or systems in place  
24 where you educate parole officers in terms of what



1 the rights are for parolees?

2 MS. SMITH: The parole is the state. It's a  
3 supervision program from the state Department of  
4 Corrections.

5 In terms of the programs that we work at  
6 in the jail to advance registration and absentee  
7 voting, we rely on our superintendents or higher  
8 level supervisors, and then they select their  
9 officers that are going to work on the different  
10 projects. So we try to keep those that are going  
11 to be involved very educated on what the rights and  
12 responsibilities are.

13 CHAIRMAN LINARES: Other questions?

14 MR. BLACKWELL: I would like to respond to  
15 that. I'm still on parole. I had four parole  
16 agents in the last two years and not one of them  
17 informed me of my rights. I already knew I had the  
18 right to vote. My very first parole agent, the  
19 only thing he really wanted to stress to me was to  
20 remind me that I'm still incarcerated. Even though  
21 I'm free and a citizen of the State of Illinois,  
22 technically, I'm still incarcerated. So he wanted  
23 to stress that information to me so I could get  
24 that clearly understood, and then reinforcing to me



1 the conditions of my parole.

2 But he never explained to me my right to  
3 vote.

4 MS. MBEKEANI-WILEY: I do think that is  
5 something that can be addressed. I know, for  
6 instance, the Shriver Center has done probationary  
7 officer and parole officer training for ensuring  
8 that people have access to health care whether it  
9 be Medicaid, Affordable Care Act, and that has been  
10 done through extensive training of those officers.  
11 I think something similar to that could be done for  
12 ensuring that people know their right to vote. And  
13 the Office of Probation and Parole have typically  
14 been fairly open to receiving those trainings.  
15 Usually it's an organization offering it for free,  
16 but receiving those trainings to let them know,  
17 hey, this is what you're supposed to be informing  
18 the clients that you're serving.

19 MR. COBB: Thank you. Thank you all for being  
20 here. So I'm a little disturbed. So I have a  
21 question. Hopefully you all can address and I'm  
22 thinking Michelle and Cara.

23 So coming from the vantage point that  
24 voting is a fundamental right and that these



1 persons who are in pre-trial detention still have  
2 that right, there's no conviction, it's not been  
3 stripped, and I'm hearing you say that the recent  
4 article in Slate Magazine said that only two jails  
5 in the country, at least that were listed, had a  
6 voting program.

7 I'm curious and I'm wondering if you could  
8 help me understand why there aren't more counties  
9 participating in these kind of programs, more  
10 initiatives like your office at the Cook County  
11 sheriff, you know, who are creating these kinds of  
12 programs to make sure that we are protecting the  
13 fundamental rights of these persons throughout the  
14 nation as opposed to just two counties in the  
15 nation.

16 MS. MBEKEANI-WILEY: I think there are varying  
17 reasons. So I'll go to like the top three. Money  
18 is one. So I know like David Orr's office mails  
19 out about 7500 packets that have a voter  
20 registration form as well as an absentee ballot  
21 application to essentially the entire population of  
22 -- I mean, it takes a lot of coordination, and I  
23 think that is something that every county should be  
24 doing, but you also have to be cognizant of the



1 political landscape and the racial landscape.

2 I don't see Will County doing that,  
3 especially if their population is predominantly  
4 black. It comes also down to race and who do we  
5 value as a voter and who do we want to vote in the  
6 first place.

7 The other thing is that misinformation. A  
8 lot of people don't realize that you retain the  
9 right to vote while awaiting trial. I had to  
10 double check the statute because I wanted to make  
11 sure. I mean, I didn't find out until four years  
12 ago, and I looked very close, well, if you're  
13 serving a sentence, it says -- this actually is a  
14 bit confusing. It says, you're detained and  
15 serving a sentence. So you're detained in jail,  
16 but you're not serving a sentence.

17 So I think people tend to overlook that or  
18 get a bit confused. And I had to make a few phone  
19 calls just to verify, do people retain the right to  
20 vote following trial. So I think there's also that  
21 education piece. But I also really think it's the  
22 coordination and effort because it does take  
23 effort, and if you do not have leadership that  
24 believes that that effort is valuable and





1 worthwhile, it's not going to happen on its own.  
2 Just mere access into the jail to have volunteers  
3 is something that the leadership at the Cook County  
4 Department of Corrections had to approve because he  
5 thinks it's important.

6 Good luck going into Will County. I  
7 contacted other counties. It's not happening. You  
8 barely even get certain programs, educational  
9 programs within those facilities.

10 So really it comes down to leadership of  
11 the Sheriff's Department, and if they sincerely  
12 believe that these people have the right to vote,  
13 they need to make an affirmative effort to ensure  
14 that they're voting. But if you don't have that  
15 leadership, you're going to run into a lot of brick  
16 walls.

17 And I think those are like the key things,  
18 if you believe that it's worth an investment  
19 because if you do the math, say, 7500 packets, the  
20 packets are really thick, maybe a dollar or two for  
21 mailing it. I mean, you're spending about \$15,000  
22 for a population that in Cook County we do value  
23 but in other counties, they're like, we're not  
24 paying thousands of dollars to ensure that people



1 have the right to vote, and that's just the reality  
2 of certain counties, especially black and brown  
3 people, to be completely candid.

4 CHAIRMAN LINARES: Mr. Kazmi.

5 MR. KAZMI: Ms. Smith, do you guys either, one,  
6 contract with organizations like the Shriver Center  
7 or IMAN to provide that service or do you guys have  
8 a team within the Sheriff's office that handles  
9 that kind of stuff?

10 MS. SMITH: We have a contract, but we are  
11 committed to it and work very, you know, openly  
12 with anyone who wants to come in and help us  
13 advance this. And I think -- you know, it just  
14 occurred to me. I didn't think of this in  
15 connection with coming here today, but I think  
16 everyone has had the experience of going to get  
17 your driver's license renewed and being offered the  
18 opportunity to vote in connection with that  
19 process.

20 I was on the litigation team when Illinois  
21 was the only state in the nation that didn't enact  
22 that law. And so if you work in the Sheriff's  
23 office or any of the organizations that are  
24 represented on this panel, we often have to look



1 for the silver lining in what we do, and I think  
2 that the leadership, as evidenced by my colleagues  
3 here and by the Sheriff and being committed to  
4 this, you know, we can be a leader and really be  
5 setting examples, and we can push to amend the  
6 county jail standards, for instance, and make it --  
7 make that education piece something that can be put  
8 forth to, you know, be something that all jails  
9 have to educate on. That's an easy fix. But it's  
10 a process.

11 So I think that we have a lot of good to  
12 report from Cook County and maybe can push other  
13 counties to follow suit.

14 CHAIRMAN LINARES: Other questions? Going  
15 once. No other questions. We do have a few  
16 minutes left. Does anyone want to close out with a  
17 concluding statement? Thank you so much for your  
18 time, Ms. Mbekeani-Wiley, Ms. Smith, Mr. Blackwell,  
19 Mr. Chamberlain. We appreciate your time here.

20 With that, the session is closed. We'll  
21 reconvene at 11:15 a.m.

22 (Off the record at 10:52 a.m.)

23 (On the record at 11:18 a.m.)

24 CHAIRMAN LINARES: So welcome back, everyone,



1 and thank you for being here today. We have our  
2 next panel up today, but before we get into that, I  
3 do want to do a public service announcement that if  
4 you're in the audience today and tweeting, the  
5 Twitter handle is usccrgov, no dot. That's the  
6 Twitter handle, and there are folks who have  
7 already been tweeting, so if you want to retweet  
8 those, that would be encouraged.

9 There's also I'm told a Facebook page  
10 coming up in a few weeks for the U.S. Commission on  
11 Civil Rights. So we'll be able to have more social  
12 media presence here.

13 So that, I want to go over the rules one  
14 more time because I know some of the panelists  
15 haven't been here for the whole day. But what  
16 we'll do here is everyone will give a statement of  
17 12 minutes, maximum time. I'll be keeping time.  
18 with your time, we hope that you will not say any  
19 degrading statements to any person or organization,  
20 but we do want to hear from you. If there are, of  
21 course, as Chair, I will make a statement  
22 redirecting the conversation back on topic or we  
23 have authorized other members to speak up as well.

24 And then after all four of you go with



1 your testimonies, 12 minutes max, then we will have  
2 a question and answer session for the rest of the  
3 time. If there's any time allotted, each member  
4 here on the Committee gets one question plus a  
5 follow-up. If there's time at the end, then we'll  
6 allow for other questions as well to be asked.

7 So with that, thank you so much for being  
8 here. This is our language access panel here  
9 today. I'm going to introduce each one of you  
10 first. We have Ryan Cortazar. I hope I pronounced  
11 that right, with the Chicago Lawyers Committee for  
12 Civil Rights Under Law. We have Veronica Cortez  
13 with MALDEF, the Mexican-American Legal Defense  
14 Education Fund. We have Shobhana Verma, I hope I  
15 said that right, with the Chicago Board of Election  
16 Commissioners. And we have Andy Kang, hello, with  
17 the Asian-Americans Advancing Justice.

18 Thank you again for being here. We look  
19 forward to hearing from you and to the question and  
20 answer session. And with that, we're just going to  
21 proceed starting with your right. Ryan Cortazar,  
22 the floor is yours. You have 12 minutes.

23 MR. CORTAZAR: Thank you for the opportunity to  
24 speak today. I am from the Chicago Lawyers



1 Committee for Civil Rights. We are a civil rights  
2 nonprofit that's been operating in Chicago since  
3 1969. We provide services, education, fair  
4 housing, settlement assistance for prisoners, and  
5 we also work with community groups to help them get  
6 started and to navigate through the transactional  
7 law process.

8 The Voting Rights Project for the Chicago  
9 Lawyers Committee was established to prevent,  
10 reduce, and eliminate barriers to voting for  
11 communities of color and low-income residents, and  
12 we advocate for expanded access. As my colleague,  
13 Ami Gandhi, spoke earlier, we operate the  
14 866-OUR-VOTE election protection hot line. We also  
15 support the language hot lines at 888-VE-Y-VOTA and  
16 888-API-VOTE which provides services to Asian  
17 language voters.

18 We also partner with nonprofits and with  
19 law firms in our election protection and we have  
20 hundreds of volunteers that help us and we speak  
21 with thousands of voters on election day.

22 But beyond that, because Illinois has  
23 elections every year, the Chicago Lawyers Committee  
24 works year round with local election authorities to



1 make sure that voters who run our elections comply  
2 with federal and state voting laws. These often  
3 involve open communications with election officials  
4 to address voters' concerns on election day and  
5 year round. We meet with them to assess their  
6 materials, help them recruit poll workers, which is  
7 particularly important for bilingual elections, and  
8 we also help them to expand and provide those  
9 services every year.

10 Every American has the right to cast an  
11 informed ballot regardless of the language they are  
12 most comfortable speaking and reading. Congress  
13 first planted the seed of this in the Voting Rights  
14 Act of 1965, but it didn't really blossom until a  
15 subsequent amendment in the 1970s as Congress  
16 recognized the growing need for these language  
17 access services in order to prevent discrimination  
18 that goes beyond just language but also has to do  
19 with national origin. It intersects with your  
20 educational level and also with race in many  
21 instances.

22 Although the administrative determinations  
23 that determine which jurisdictions have to have  
24 language access are being revised every five or --



1 five years, the actual statutory provisions have  
2 not been updated -- since the 1970s even though the  
3 language and minority communities have evolved over  
4 the last 40 years, not just geographically, but  
5 also in terms of the different languages that these  
6 communities speak and their concentrations.

7 Any expansion of language access rights in  
8 the future must take into account how voting  
9 barriers have been constructed in the past, what  
10 the current provisions of the Voting Rights Act  
11 are, and how local governments implement -- more  
12 fail to implement their bilingual election  
13 requirements. We must also take into account the  
14 growing diversity and the current facts on the  
15 ground that have developed over those years.

16 First, I want to talk a little bit about  
17 the history of voting discrimination and language  
18 access. On the slide, you'll see some quotes that  
19 are from the Katzenbach versus Morgan case that  
20 spoke to discrimination against Puerto Rican voters  
21 in New York. So kind of the history of voting  
22 discrimination helped shine light on the essential  
23 nature of this problem and the steps that we need  
24 to take in the future to help eliminate it.





1           when Congress banned literacy tests in  
2 jurisdictions that had historically disenfranchised  
3 black voters through the Voting Rights Act of 1969,  
4 it also banned discrimination against Puerto Rican  
5 voters in New York. Section 4(e) of the Act states  
6 disenfranchising voters based on English literacy  
7 test if the voter had completed 6th grade in a  
8 school in the United States or its territories.  
9 This was actually a very targeted and direct attack  
10 on New York's history of discrimination, and it's  
11 apparent from the language in the statute itself  
12 which says if you completed this level of education  
13 in a U.S. school or in the territory, it also says  
14 specifically Puerto Rico is the covered  
15 jurisdiction.

16           This was challenged by New York and the  
17 Supreme Court declared the provision constitutional  
18 and noted that prejudice against European and  
19 southern immigrants had played a "prominent role in  
20 the enactment of New York state literacy test."  
21 And you can see in the first quote on the slide is  
22 a quote from the actual sponsor of the measure and  
23 it says, "The more precious than even the forms of  
24 government are the mental quality of our race." It



1 goes on to single out Southern and European races  
2 in particular as not being a part of the heritage  
3 and the fabric of New York at that time.

4 But, obviously, by the time the 1960s  
5 rolled around, that wave of immigration had ended,  
6 but there was a new wave of really migration of  
7 American citizens from Puerto Rico who moved to New  
8 York during that period. And from this tiny but  
9 important intervention, recognition of this type of  
10 discrimination grew and Congress revised the Act in  
11 the 1970s.

12 Although some courts and election  
13 authorities did actually read this narrow provision  
14 expansively to provide bilingual voting resources,  
15 Congress recognized that a legislative fix was  
16 really needed to broaden the two narrow provisions  
17 that we talked about, in particular, the growing  
18 Chicano movement and civil rights litigation  
19 brought an action to voting discrimination against  
20 Mexican-Americans in Texas and California, and  
21 those discriminations actually fell outside the  
22 Voting Rights Act protection.

23 To better protect the voting rights of  
24 language minority nationwide, Congress adopted a



1 nationwide ban on literacy tests and passed several  
2 provisions that aimed at assisting language  
3 minorities at the polls. These are Sections 203  
4 and 208.

5           So this is the text of Section 203 that  
6 pertains to this. I'll give you a little bit of a  
7 background on this. A jurisdiction is covered  
8 under 203 when either 5 percent of the voting age  
9 population of the jurisdiction are members of a  
10 single language minority and limited English  
11 proficient or when more than 10,000 citizens in  
12 this political subdivision are members of a single  
13 language minority and limited English proficient.

14           Additionally, the illiteracy rate of the  
15 citizens in that language minority group must be  
16 higher than the national illiteracy rate. Once the  
17 federal government determines what jurisdiction  
18 meets this requirement, that jurisdiction must  
19 provide written and oral assistance. There are  
20 currently 263 covered jurisdictions. That's a  
21 small percentage of total jurisdictions, but it's a  
22 huge percentage of actual voters which is about  
23 31.3 percent are in these jurisdictions.

24           It's a practical provision. It doesn't



1 cover everyone. Because of that, there's also  
2 section 208 which allows any voter to bring a  
3 person of their choice as long as it's not a  
4 representative of their employer or of their union  
5 into the polling place to actually help them  
6 translate the ballot if there's no language access  
7 there.

8 Implementation of that is actually a  
9 really collaborative process. What happens is the  
10 Census Bureau does a community survey which is --  
11 doesn't actually cover everyone. It's just a  
12 survey. It's not the decennial census which counts  
13 each and every individual person in the United  
14 States. And from that, they do some regressions  
15 which look at -- as correcting any errors that the  
16 random survey has. And when they do that, they ask  
17 if people -- they ask how they speak English and  
18 their poor levels. If you say you speak English  
19 very well and you're not limited English proficient  
20 but any other level is limited English proficient.

21 One problem that we have with that is that  
22 we think that it's actually underinclusive and that  
23 this survey, it's less likely that people who have  
24 language -- who speak a minority language are going



1 to respond to government surveys.

2 Having said that, the census has improved  
3 its processes, but they're still obviously not  
4 perfect as we'll see from later discussions about  
5 what has happened in Illinois on this.

6 Once they make those designations, they  
7 take those and they send them to -- they make that  
8 public, and then those covered jurisdictions have  
9 to provide language access in terms of written  
10 materials but also in terms of oral assistance at  
11 the polls. And so what this means on the ground is  
12 that there has to be a really constant  
13 collaboration between voters, between civic groups,  
14 and between the election authorities.

15 In providing the written materials, one of  
16 the problems that people come across is that  
17 there's very technical language that these  
18 materials have. If anybody read the most recent  
19 amendment to the Illinois Constitution, it was  
20 extremely technical language. Very difficult for  
21 people in English to understand it. So you can  
22 imagine the difficulties that it presents for  
23 context specific minority language translations.

24 And so civic groups can help provide --



1 provide information to authorities to help them  
2 find a reputable translator because, to be honest,  
3 sometimes you'll see jurisdictions using online  
4 translation services that are not perfect. Also  
5 recruiting election judges is always difficult.  
6 It's a thousand member -- more than a thousand  
7 member temporary work force, and getting people to  
8 speak minority languages is even more difficult for  
9 those purposes.

10 So that kind of explains how the civic  
11 groups can help in terms of implementation.

12 I also want to talk about recent  
13 developments. Because of the periodic nature of  
14 elections, these officials must constantly engage  
15 other -- each other to help make sure that the  
16 advances that we make aren't lost after the  
17 election is actually processed. And because  
18 minority -- because everyone is mobile, but, in  
19 particular, immigrant communities are mobile,  
20 these -- what we have is a constant shift in these  
21 populations across the metropolitan area, not just  
22 in the city, but also in the suburbs. And so even  
23 though we might have a county be covered, from  
24 election to election, those populations might shift



1 from one precinct to another. And so what happens  
2 is you constantly have to have an adjustment to  
3 this.

4 And so the types of problems that we see  
5 too often, and it's still isolated, is sometimes we  
6 have in these jurisdictions polling place election  
7 judges or poll workers who have been in these  
8 communities longer than the language minority  
9 communities, and sometimes you have racial aspects  
10 that pop up, xenophobic comments. We've had in  
11 past elections poll workers ask where voters are  
12 from. We've had them explain to other voters that  
13 the voting lines are moving slow because these  
14 immigrant communities who are citizens who are  
15 allowed to vote haven't really been moving as  
16 quickly as possible. Sometimes they say they're  
17 slow or, you know, speaking in derogatory terms.

18 So in order for us to move forward, it's  
19 important that we engage the Census Bureau. We  
20 would like more public comment on how they make  
21 their determinations after their release so that we  
22 can show them what we think on the ground has  
23 happened.

24 So, for example, if you look up --



1 DuPage County was covered in 2011, but in 2016 it  
2 was not. We believe that that's probably a  
3 sampling error, and having the opportunity for  
4 public comment would be really important. We would  
5 also like to expand beyond the federal voting  
6 rights to update, to provide more expansive  
7 coverage in the future.

8 CHAIRMAN LINARES: Thank you, Mr. Cortazar.  
9 There will be an opportunity during question and  
10 answer if there are any topics that you didn't  
11 cover that you would like to speak up as well.

12 Ms. Cortez, you have the floor. Twelve  
13 minutes, please.

14 MS. CORTEZ: Thank you, and thank you for the  
15 opportunity to testify today. So I am the staff  
16 attorney at the Mexican-American Legal Defense  
17 Educational Fund or MALDEF. MALDEF was founded in  
18 1968. It's a national nonprofit legal organization  
19 that employs litigation, post policy advocacy, and  
20 community education programs to protect and promote  
21 the civil rights of Latinos in the United States.  
22 For MALDEF, equal access to the ballot is a very  
23 important issue, and that's one of the reasons I'm  
24 here today.





1           So I want to start by saying -- and I  
2 think Ryan touched on this a little bit -- that  
3 things have actually improved drastically over the  
4 years. And I was speaking to someone right before  
5 the start, and she said the same. Things have  
6 improved considerably, but there's still room for  
7 improvement.

8           So language access in the State of  
9 Illinois is still -- it's a balance between the  
10 interest of the voters and the people that are  
11 going to be voting in that jurisdiction and the  
12 budgetary interests sometimes of the election  
13 authorities.

14           In Illinois, we're looking at 435,000  
15 limited English proficient voters. Many of those  
16 voters are concentrated in Cook County and Lake and  
17 Kane County, and then a smaller but still  
18 substantial number of those voters are in Will and  
19 DuPage counties.

20           As previously stated, in Illinois, we have  
21 -- Cook, Kane, and Lake counties are all under  
22 Section 203. So that's where they are required to  
23 provide language assistance in both material --  
24 well, three things, materials, ballots, so ballots,



1 and then signs that they post on the walls or  
2 around the polling place, and bilingual election  
3 judges. Cook, Kane, and Lake all require Spanish.  
4 Cook has a couple of other languages that are also  
5 required in the City of Chicago, and I'll let my  
6 co-panelist talk about that a little bit.

7 So these three counties fall under  
8 section 203 because they have more than 10,000  
9 limited English proficient voters. Like Ryan said,  
10 DuPage fell off of Section 203 or their requirement  
11 under section 203 because they are now 220 people  
12 short for that. So it's a very small number. They  
13 still have close to 9800 people that require  
14 language access.

15 And like Ryan mentioned a little bit, the  
16 survey is not super reliable. People don't  
17 necessarily answer the survey. So there's probably  
18 very much an undercount in DuPage County. So they  
19 very much may be within the 10,000 person limited  
20 English proficient person threshold. They're just  
21 not being counted.

22 And we -- so we are actually very glad to  
23 see that. We met with -- Ryan and I and some other  
24 political committee staff met with DuPage County



1 recently, and they said that even though they have  
2 fallen out of the 203 requirements, they're still  
3 going to continue to provide language access. So  
4 that's something that's very important to us.  
5 we're very glad to see something like that, that  
6 these counties are taking that initiative and  
7 taking that stand instead of just saying, oh, we're  
8 not required anymore even though we actually  
9 already have a lot of materials translated, we're  
10 still just not going to do it. Instead, they're  
11 taking the initiative and saying they are going to  
12 do it.

13 Now Will County also does not fall under  
14 section 203, and they have 9600 limited English  
15 proficient voters in Spanish. And so at this  
16 point, they haven't said anything about whether or  
17 not they're willing to start thinking about  
18 providing language assistance no matter -- not  
19 mattering that they're no longer under section --  
20 or they're still not under Section 203.

21 Something else that Ryan mentioned is  
22 under section 208, you are allowed to bring someone  
23 to the polling place with you to vote. Sometimes  
24 that rule is just -- people don't know that it



1 exists. People don't know that they can come into  
2 a polling place with someone to help them vote, and  
3 sometimes polling places make it a little more  
4 intimidating to do that when you show up to a  
5 polling place and you say, this person is going to  
6 help me vote, and they say, well, you need to sign  
7 something, you need to sign this, this form has to  
8 be filled out, and it creates kind of this more  
9 tense situation than it necessarily needs to be  
10 considering that all they're trying to do is vote.

11 I feel like I'm a little bit repetitive,  
12 and I'm trying not to be. As Ryan said earlier,  
13 there are stories about how limited English  
14 proficient voters are being mistreated. Some of  
15 that really is people saying things like, can you  
16 hurry up, you're voting very slowly, or just not  
17 providing the services.

18 I have done poll watching now for a few --  
19 five or six years, and you go to the polling places  
20 and the bilingual materials might still be in the  
21 envelope in the locker. They have them. They are  
22 required to post them up. They have the bilingual  
23 ballots or ballots in other languages. They have  
24 everything that they need in the polling place.



1 They're just not necessarily pulling them out and  
2 posting them. Whether that's because of lack of  
3 training or because the person just chooses not to  
4 and knows that they're there, I don't know. It's  
5 not always clear.

6 When there is a poll watcher there, they  
7 approach the election judges and say, hey, you're  
8 under section 203, you should have bilingual  
9 materials, do you have them? Can you put them up?  
10 Usually people then don't say anything, but the  
11 fact that they weren't up there to begin with is a  
12 little disheartening for the people that have -- at  
13 that point have voted already.

14 And then the second thing is, and this --  
15 there's not always bilingual polling judges even if  
16 it's a requirement. Again doing some poll  
17 watching, Chicago does actually -- Chicago and Cook  
18 County do a really good job of it. Every once in a  
19 while, there's a miss. But as we move out further  
20 to the counties that have a smaller limited English  
21 proficient community but still enough to qualify  
22 for section 203, there are less. Maybe what it is  
23 is less recruitment efforts or not just enough  
24 people applying for these positions so that they



1 can put them specifically where they need to be.

2           So we're working with those -- well, some  
3 of those counties are willing to work with me to  
4 try to recruit more people, but not having a  
5 bilingual election judge at the polling place makes  
6 it very intimidating, even though the materials  
7 might be there for the person to kind of check in.  
8 When you're checking in, what's your name, what's  
9 your address, whatever it is to get you to your  
10 ballot. It's a little more intimidating to do that  
11 in English if you're not very English proficient.

12           Sometimes also the polling judge or the  
13 bilingual election judge might be in the polling  
14 place but isn't necessarily at the front of the  
15 polling place. They might be over doing one of the  
16 other tasks that the polling judges do. That's a  
17 very long day and lots of things to do. So they  
18 end up in a different part of the polling place.  
19 And so the check-in or where people are coming into  
20 the line, they don't know that there is a  
21 bilingual -- or that there is language access there  
22 in terms of a person. That's something that I have  
23 seen kind of repeatedly over the course of my  
24 experience.



1           So something that I think is important to  
2 note is that we are -- there have been studies of  
3 people saying, okay, so if you currently have  
4 language access, if you did not have language  
5 access, are you still likely to vote? And  
6 70 percent of limited English proficient people  
7 have said they would not vote if they didn't have  
8 language access.

9           That's important to know because they are  
10 U.S. citizens. They are entitled to that vote.  
11 And they shouldn't have any -- as much as possible,  
12 they should not have anything blocking it.

13           So something that we hear a lot of times  
14 from election authorities or from arguments against  
15 language access is it's too expensive. So people  
16 have looked into that. There's some research  
17 that's been done, and it's not. A bilingual poll  
18 worker is a poll worker. They're not taking  
19 someone else's position. If you have five poll  
20 workers, you have five poll workers. You just have  
21 one of them now can also serve the limited English  
22 proficient community in the area or in the polling  
23 place as well, in the precinct. That's not an  
24 added cost.



1           For the translation of materials,  
2   community groups volunteer to do that very often  
3   because they rather -- they want to have their  
4   community served and properly. So community groups  
5   are willing to look at translations when they're --  
6   if someone else has done them and they just want to  
7   have someone else to look at them or to do the  
8   translations.

9           I know we've worked with groups that  
10   definitely say that they volunteer and they're  
11   willing to look at them, they're willing to do them  
12   for -- and they do them for free. So that's not an  
13   added cost.

14           The real maybe added cost would be the  
15   printing, and that's been arguably not very much.  
16   Actually some election authorities have said it's  
17   not an extra cost at all.

18           And so the last thing I think I will say  
19   before I'm cut off is another argument that people  
20   say -- that have against language access in the  
21   voting arena is, well, people are U.S. citizens,  
22   they should speak English. Or if you became a U.S.  
23   citizen, they passed the test in English, they  
24   speak English. And the test that you take for





1 naturalization isn't an English test. It's a test  
2 in civics and government, and there are questions  
3 that you can memorize and that you can take. And  
4 being able to answer these -- what is it? A  
5 hundred questions -- any one of those hundred  
6 questions doesn't mean that you are completely  
7 fluent in English and doesn't mean that you can  
8 understand really complicated things like  
9 amendments that were presented in the last ballot  
10 or referenda that come up. I know sometimes I have  
11 a very hard time reading these and I'm fluent in  
12 English.

13           So you can understand that someone that is  
14 not completely fluent in English would have trouble  
15 understanding some of these and getting some of  
16 this information.

17           So being a U.S. citizen or taking the  
18 naturalization test doesn't guarantee that that  
19 person is proficient or completely fluent in  
20 English. So they still need a little help and they  
21 still have the right to vote because they did pass  
22 the test and they are U.S. citizens.

23           I'll end with that.

24           CHAIRMAN LINARES: Thank you so much for that



1 testimony. Ms. Verma, you have 12 minutes and the  
2 floor is yours.

3 MS. VERMA: Hello, everyone. Thank you for  
4 giving me the opportunity to be here. I want to  
5 thank the whole Commission.

6 I'm honored to be here today to represent  
7 the Chicago Board of Election Commissioners and  
8 share about the Board's commitment to administer a  
9 transparent, impartial, and accurate election  
10 system. The Chicago Board of Elections oversees  
11 one of the largest election operations in the  
12 United States with approximately 1.6 million  
13 registered voters and 2,069 precincts. Out of  
14 these over 1.6 million registered voters, we have  
15 people from various ethnicities for whom English is  
16 a second language and may require ballots and other  
17 voting materials in their native language. Today,  
18 I would like to share about how we make that  
19 possible. I have a PowerPoint that I wanted to --

20 CHAIRMAN LINARES: I'm going to ask, folks in  
21 the back, can you hear? No. If you don't mind  
22 speaking up a little louder.

23 MS. VERMA: Thank you for that reminder.

24 MS. BUYS: While we're waiting, could you



1 repeat the figures you gave? 1.6 million  
2 registered voters and how many with limited English  
3 proficiency?

4 MS. VERMA: We don't have any strict numbers  
5 for limited English proficiency because, again,  
6 it's based on the census data and we depend on the  
7 5 percent of the 10,000 members that are reflected  
8 in the census report which is what we follow. But  
9 we do have -- obviously for three different  
10 languages, we've already qualified for language  
11 assistance. So Chicago Board of Elections has been  
12 providing language assistance in Spanish since the  
13 '70s. I consider this organization a pioneer  
14 source because we were ahead of the times; in  
15 Chinese since early 2000s; and Hindi, that was  
16 added after the 2010 census report. And we also  
17 provide -- I'll get into that later, but we also  
18 provide some language assistance in Polish. I will  
19 get into that when I get to my presentation.

20 So the executive director,  
21 Mr. Lance Gough, is here and I wanted to share  
22 something that I really enjoy when he shared it  
23 with us. Mayor Harold Washington told the  
24 Executive Director, Take care of the communities



1 and the communities will take care of you. And  
2 that is what our organization believes in.

3 Under Section 203 of the federal Voting  
4 Rights Act, the 2010 United States Census resulted  
5 in the Census Bureau indicating that Chicago, LA,  
6 and New York needed to begin offering language  
7 assistance at the polls to the U.S. citizens from  
8 India who have limited English proficiency. The  
9 Asian Indian community is very diverse and to bring  
10 the policy requiring minority language coverage to  
11 life.

12 In 2011, the Chicago Election Board  
13 consulted with a variety of foundation community  
14 groups and its many partners in the local media.  
15 The determination was made that Election Board  
16 should move forward with balloting signage and  
17 other voting materials in Hindi. I wanted to  
18 emphasize because the languages are diverse. We  
19 speak multiple languages in India, that was a big  
20 concentration and a decision to be made.

21 When I came on board in 2014, I was given  
22 the responsibility to lead the Asian Indian  
23 language access and outreach program with the  
24 confidence that I understand the challenges facing



1 minority language communities that I will be able  
2 to reach out and serve a very diverse Asian Indian  
3 population with language assistance in the voting  
4 process. I would like to add here that prior to  
5 the Hindi language, language assistance was already  
6 required and being provided in Spanish and Chinese.

7 So when we speak of language assistance,  
8 having a language assistance program in place does  
9 not automatically benefit the community. It  
10 requires extensive voter outreach, education, and  
11 communication with voters. Successful language  
12 assistance begins with the community liaison  
13 knowing all the facets of operation, having a  
14 thorough understanding of our community services  
15 division which recruits and trains poll workers and  
16 deputy voter registrars, knowing the ins and outs  
17 of voter registration, responsibilities of poll  
18 workers, their training, and how the election  
19 equipment functions, and other election services.  
20 These are some of the things that we really have to  
21 focus on while we work with community members.

22 When assisting minority language citizens,  
23 our focus is on providing valuable election  
24 material as required by Section 203 by which we



1 mean translating every possible voter contact  
2 material, every voter form, all polling place signs  
3 and materials including the smallest of stickers on  
4 voting equipment, all banners for outreach events  
5 or election functions like early voting by mail and  
6 election day voting, all news releases, all legal  
7 notices that are published in local newspapers. We  
8 recruit and retrain valuable poll workers to  
9 provide oral assistance to voters in select  
10 precincts around the City of Chicago. Every  
11 polling place also has test screen voting equipment  
12 with ballots in English, Hindi, Spanish, and  
13 Chinese. These ballots are actually also available  
14 as audio, available for all of these ballots in all  
15 of these languages as well on the test screen.

16 On election day, language assistance is  
17 also available via phone through election central  
18 located here in downtown. We have people speaking  
19 multiple languages over the phone.

20 And I just want to note that when Veronica  
21 was mentioning about election signs, I just wanted  
22 to make a quick mention here that all the Chicago  
23 Board of Elections signage are actually in four  
24 languages. I brought some samples here to share if



1 anybody is interested. Just to avoid any of that  
2 confusion in terms of whether ballot material or  
3 multi-language material is available or not, all  
4 our signs are actually prepared in four languages.  
5 So we kind of, thankfully, foresee that as a  
6 problem in the future. So we have all of that in  
7 four languages. If there's a sign in one language,  
8 it's actually in all four so everything is there.

9           So by translation, we believe in not  
10 making voters search in English to find a  
11 translated page. That helps avoid confusion and  
12 misdirection by having every language user navigate  
13 our web site fully. When you look at our web site,  
14 we think of a road map. Imagine being in a foreign  
15 land without knowing their language. Imagine  
16 someone just handed us a map in a language we don't  
17 read or understand. Even with a map in hand, would  
18 one really be able to find their way around?

19           So that is the philosophy that is behind  
20 our web site. And here is a sample that I would  
21 like to share. On the one side, on the left we see  
22 -- that's our home page of the web site in Hindi  
23 and on the right side we see English. So what we  
24 do is we don't make Spanish, Chinese, Hindi or



1 Polish-speaking web users search in English words  
2 and characters and then find a translation. The  
3 picture on the left, as I just mentioned, is our  
4 home page in Hindi and the other one is in English.  
5 If someone who doesn't know Hindi wouldn't be able  
6 to navigate the Hindi page, but we don't expect a  
7 person to read Hindi to navigate the web page in  
8 English.

9 On our home page, we can select the  
10 language from there and navigate all the  
11 voter-based systems, how to register, early voting,  
12 and voting by mail, finding their polling place,  
13 sample ballots or any of the information that's  
14 available for any voter.

15 On translations, again that's -- that's a  
16 problem that we all have heard about and we try to  
17 address that. We use authentic translations  
18 prepared by inhouse staff that understands the  
19 subtleties of election law and the culture meanings  
20 of words commonly used in election and voting. We  
21 try to avoid any paths toward confusion and that  
22 can be caused by bad translations.

23 As a rule, we avoid short cuts. We don't  
24 use Google Translation. That would be the biggest





1 mistake if I ever said that. As a rule, we avoid  
2 short cuts. We don't use Google Translation. We  
3 don't want to risk primary appearing in grade  
4 schools or early voting to come off as early  
5 voting. So this is quality of translation matters.

6 And I've been to some other events where  
7 we've had discussions about addressing language in  
8 minority communities, and one thing that I --  
9 without even being asked for, I offer my advice,  
10 please don't go to Google Translations. That's  
11 something that we strongly believe in at the Board  
12 and follow.

13 In the absence of a person or a staff who  
14 can translate or oversee the translations with the  
15 help of Election Assistance Commission, if that is  
16 not available, we use a translation service and  
17 have community partners to view the work as I  
18 mentioned. We work very closely with the community  
19 organizations and they have been very helpful along  
20 the process.

21 We partner with community groups. I'm  
22 glad that we have some of them right here with us.  
23 And this is a picture from one of those meetings  
24 that I wanted to add here. So we do partner with



1 community groups and I'm glad to be here.

2 Partnerships are continuous. We don't just meet  
3 during election time. We attend events all year  
4 around. We meet, we strategize for better outreach  
5 methods on a regular basis. We work with community  
6 groups in formulating policy which results in  
7 having election reforms.

8 Here are some of our images that I wanted  
9 to share. When we talk about working with language  
10 within a minority community or a minority language  
11 speaking community, outreach for us is a year-round  
12 activity. So here are some of the examples where  
13 we reached out to the community. It can be very  
14 challenging, but the Board works with the community  
15 by engaging with several across -- interactions by  
16 age, class, gender, any other diversity,  
17 representations of diversity voters.

18 Over the past four years, our voter  
19 education and our engagement work, we have  
20 developed an understanding of the complexity of  
21 communities' participation in the electoral process  
22 which includes cultural and language barriers that  
23 we've been discussing.

24 So these are some of the events where we



1 have been participating. We go where people are.  
2 Like I said, we attend various community events and  
3 religious events working with faith-based  
4 organizations, high schools, colleges. We believe  
5 in engaging voters, listening to them, and  
6 registering them where they are so that we can also  
7 get an opportunity to share about the language  
8 assistance program and recruiting poll workers in  
9 the community.

10 Some more opportunities. We've had and  
11 take pride in in working with the community groups,  
12 awarding some of our partners. This one in the  
13 middle I would like to highlight. Our chairwoman,  
14 Ms. Hernandez, who is also fluently bilingual. She  
15 speaks Spanish. So that's a plus for us because  
16 after every press conference after she's already  
17 briefed them in English, she also presents it in  
18 Spanish. So that's something also.

19 Outreach when it comes to what is required  
20 in section 203. We also do a few things above and  
21 beyond. As I mentioned, I was going to touch upon  
22 Polish. We also have sample ballots in Korean  
23 because we've learned that there are some precincts  
24 where we have populations speaking and reading the



1 Korean language. So we have sample ballots in  
2 Korean. We also have comprehensive assistance for  
3 our large Polish-American population. This  
4 includes Polish version of our web site, invaluable  
5 poll workers, and working with the Polish media.

6 There was something about the community  
7 case study that we did before. I can share about  
8 it later if questions come up. I do have the  
9 information. Basically, this was a community forum  
10 where we got in touch with all the community  
11 members about all the feedback. Some of the  
12 reforms have already been made and been considered.  
13 There's on-line voter registration, election day  
14 registration, voter education. So these are some  
15 of the feedback we received, and we've been working  
16 with the media organizations. And on-line voter  
17 registration is actually picking up pretty well and  
18 also available in four languages, and we were very  
19 closely involved in that, to bring that into  
20 practice.

21 With that, I just want to conclude. I  
22 would just like to say that we have one community  
23 made of many populations. As election  
24 administrators, we have to reach out and include



1 the many diverse populations in the election  
2 process, and that can only be accomplished by  
3 language assistance and outreach. From the  
4 feedback that I've received from communities,  
5 because we are on the front line working with  
6 people, people have given us feedback in terms of  
7 it does make a difference when they see someone who  
8 looks like them, speaks their language, physically  
9 available at the polling place, readily available  
10 to assist them. So besides having all the voting  
11 material in print, it's also helpful to have people  
12 who can already assist them.

13 And I will save time for some of the stuff  
14 later. Thank you.

15 CHAIRMAN LINARES: Thank you, Ms. Verma. We  
16 appreciate that.

17 With that, Mr. Kang, you have the floor.  
18 You have 12 minutes.

19 MR. KANG: Thank you. My name is Andy Kang.  
20 I'm the Legal Director at Asian Americans Advancing  
21 Justice in Chicago. We have been in existence for  
22 25 years now. We have affiliates in San Francisco,  
23 LA, DC, and recently Atlanta.

24 voting rights has been something that



1 we've been working on for a very long time, and as  
2 Shobhana has mentioned, we're working on  
3 Section 203 language assistance by engaging the  
4 Chicago Board of Election Commissioners and the  
5 Cook County Clerk's office. We've been working on  
6 that since Chinese came on line, what, 2000.

7 Just to give you some context of the  
8 importance of language access to the Asian-American  
9 community. In the Chicagoland area, so Chicago,  
10 metro Chicago, and the collar counties, based on  
11 the 2010 census, there are 580,000 Asian-Americans.  
12 Now over 30 percent of that population is limited  
13 English proficient. With some groups such as the  
14 Laos, Vietnamese, Thai, as well as the Koreans and  
15 Chinese, 40 percent or more are limited English.

16 So now I just mentioned one group, the  
17 Chinese, obviously that are covered by Section 203.  
18 As Ryan mentioned before, some of these other  
19 groups do not qualify because they do not meet the  
20 threshold, but Section 208 is available for them.  
21 And in the instance of Korean, this was something  
22 unscripted but I think it's worth mentioning, the  
23 Chicago Board of Elections, the Cook County Clerk's  
24 office agreeing when they met with the community at



1 the Korean-American Committee to volunteer to  
2 provide translated ballots and also willingness to  
3 place bilingual Korean-speaking judges in a select  
4 number of places.

5 That was a huge thing for the community.  
6 It's not something that's required by federal law,  
7 but they saw the need and they met it. So I think  
8 those are the types of efforts that need to be  
9 applied wherever they happen.

10 The scope of our language access work. We  
11 have been poll monitoring for many, many years; but  
12 in 2016, in March, during the March primary, we  
13 sent out 40 poll monitors to cover 90 precincts,  
14 and in the November, we sent out 48 poll monitors  
15 to cover 124 precincts. And this is primarily Cook  
16 County, suburban Cook as well as City of Chicago.

17 And, you know, one of the things that I'll  
18 just mention up front is 25 of our poll monitors in  
19 the March primary covered the China Town area  
20 because there was a hotly contested primary there  
21 where we anticipated interest by Chinese-speaking  
22 voters would be particularly high because there was  
23 a Chinese-American candidate. I'll get back to  
24 that race as I go on.



1           Some of the issues or lessons that we  
2 encountered and have encountered and engaged in  
3 conversations with the Board of Elections as well  
4 as the Clerk's office, making sure that election  
5 judges know, as has been mentioned, that when there  
6 is a folder of translated materials that that's not  
7 bonus materials. That's not a discretionary  
8 packet. That's something that should be put on  
9 display. In some polling places, this is not an  
10 issue. I want to be very, very clear.  
11 overwhelmingly not a problem.

12           But in a significant minority, some of the  
13 judges maybe misunderstand what's required of them  
14 or just didn't know the packet was there, and at  
15 those moments, our poll monitors help them identify  
16 where they can find the packet. Once they're  
17 found, we very rarely encounter any instances where  
18 they object to putting them on display.

19           But to give you a sense of the scope, in  
20 the March primary in 2016, we encountered 18  
21 instances where the materials weren't displayed  
22 when our poll monitors came on the scene. In only  
23 I believe two instances was there any kind of  
24 resistance once they found them to put them up on





1 display. But by November 2016, after conversations  
2 with our counterparts on the government side, that  
3 number cut in half. So as you can see, having  
4 ongoing dialogue, identifying a problem spot, it  
5 does work out in addressing some of these issues.

6 I would be remiss to say that as our  
7 community and limited English immigrant community  
8 fans out to the suburbs, there are precincts and  
9 polling places where some of the long-standing  
10 election judges aren't as familiar with dealing  
11 with limited English speaking voters. So there is  
12 the education piece that is an ongoing thing that  
13 we will continue to work with them on making sure  
14 it happens.

15 I think a second lesson that we came away  
16 with is Illinois recently had election day  
17 registration come on line as a state. You know, in  
18 the China Town community, we crunched the numbers  
19 with the Chicago Board of Elections, and these are  
20 raw data. So I just want -- I don't want to hold  
21 them to indicate -- they have been corrected since  
22 we last spoke.

23 Two of the Chicago wards that were  
24 contained within this hotly contested primary



1 battle, the 11th ward and 25th ward, the numbers  
2 indicated that there were 1200 election day  
3 registrations. So those are new voters, people  
4 that wanted to vote for the first time. Now we  
5 don't know who those voters were, but what I can  
6 tell you is that primary race was decided by  
7 515 votes. And so I only bring that up as a lesson  
8 that these measures in registering to vote and  
9 voting, they do make a difference, that there are a  
10 lot of folks that sometimes don't realize what's  
11 going on and do want to vote on election day. And  
12 so to the extent possible, our orientation supports  
13 anything we can do to reduce those barriers.

14           The final lesson that I would say is that  
15 we want to make sure that we're targeting the right  
16 precincts. So under 203, Section 203, we have a  
17 broad discretion, the election officials do, making  
18 sure that they're providing language assistance,  
19 providing the resources where they're needed the  
20 most. And the discussions we have, while we do use  
21 anecdotal data, it's largely based on census data.  
22 So it's really important for us to reiterate that,  
23 you know, making sure that people are responding to  
24 the census, but that the census is always fully



1 funded and doing its best to make sure that it's  
2 engaging the immigrant community because, as you  
3 can imagine, with limited English speaking  
4 individuals, responding to a census is not always  
5 going to be an easy thing. So working with the  
6 community making sure that data is right so we can  
7 have a good sense that we're targeting the right  
8 places.

9 I'd say the last thing that I would bring  
10 up is that I mentioned that working with election  
11 officials is really important. I had the pleasure  
12 last year of going to a meeting held by the Federal  
13 Election Assistance Commission, and Mr. Lance Gough  
14 was there to join me. And it was really a  
15 fantastic opportunity to not only compare notes  
16 with advocates from around the country that are  
17 also trying to improve language assistance for  
18 their community, but also hearing and learning from  
19 other folks from around the country that work in  
20 providing that assistance on the government side.

21 And I think it would be a real shame for  
22 that venue and that mechanism to no longer exist,  
23 and I understand that there might be some  
24 consideration of that. And so I would really



1 strongly urge that we do everything we can to  
2 protect that resource, not only for Illinois, but  
3 for limited English speaking voters around the  
4 country.

5 And, finally, I'm going to hammer this  
6 home. As I mentioned, election day registration,  
7 there was a high usage in at least one particular  
8 area of strong interest from the immigrant voters.  
9 We are also hoping that automatic voter  
10 registration would be something that Illinois would  
11 embrace to, again, reduce some of the barriers that  
12 limited English speaking voters may experience in  
13 trying to vote. So with our community having  
14 traditionally the lowest turnout and registration  
15 rates in Illinois, these are the things that we  
16 really hope we can see come to pass.

17 Thank you for your time.

18 CHAIRMAN LINARES: Thank you so much, Mr. Kang.  
19 Thank you all for your testimony. We're going to  
20 enter into a question and answer period. We do  
21 have 24 minutes to do so. First question is going  
22 to Ms. Borowiec.

23 MS. BOHDZIEWICZ-BOROWIEC: Thank you. I have a  
24 question about sort of the mechanics between census



1 and voters. We'll say Chicago again. Chicago has  
2 such a wonderful outreach. I'm a Polish immigrant.  
3 We do have a really great outreach coordinator at  
4 the Board of Elections that does so much work  
5 within the community. So we're fine.

6 But say we're somewhere further, and there  
7 is a community that has Polish, whatever that is,  
8 say Croatian, there are no civic groups, what's --  
9 I mean, what's the mechanism -- will this  
10 automatically come from census to whoever  
11 supervises voting for the language access materials  
12 or do we have to fight for this to have that?

13 MR. CORTAZAR: If there's a minority, if  
14 there's a language minority group that reaches one  
15 of those targets, then they will get that  
16 information from the census. But if they don't  
17 reach that, I don't think there is a line of  
18 communication between the census and the election  
19 authorities to say this is how many language  
20 minorities are in this group. That information  
21 might be available, but my understanding is that is  
22 not -- that's not published in the federal register  
23 to the same extent.

24 MS. BOHDZIEWICZ-BOROWIEC: So if there is



1 10,000, the election authorities will get that  
2 information?

3 MR. CORTAZAR: That's right, yes.

4 CHAIRMAN LINARES: Thank you. I'm going to  
5 take Chair's priority and ask a question. It's  
6 more of a clarification. I think, Mr. Kang, you  
7 mentioned Section 208 and earlier there was  
8 section 203. Can one of you explain what these  
9 laws are and what the difference is?

10 MR. KANG: Really basically, Section 203  
11 requires the whole boat load of language  
12 assistance, right, soup to nuts, anything in  
13 English be provided in that language, right.

14 Section 208 is something more basic where  
15 all it's saying is that unless you're dealing with  
16 your employer or your union rep, you can bring an  
17 in a friend or a helper, it could be a volunteer  
18 you just met outside to provide you with the  
19 language assistance you need to vote, right.

20 And so our organization, many other  
21 organizations have two-sided fliers that we hand  
22 out or we distribute in communities so folks know  
23 that. Some time election judges, you know, they  
24 forget that rule. There's a lot of things they're



1 trying to do to stay on top of on election day. It  
2 sometimes feels a little unnatural to let another  
3 person into the voting booth with them.

4 Usually if you just jog their memory, they  
5 remember, oh, yes, that person just has to sign an  
6 affidavit that they're not going to try to  
7 influence the person's vote and then they can help  
8 them vote. That's all 208 is.

9 CHAIRMAN LINARES: Thank you. Are these state  
10 or federal level sections?

11 MR. KANG: These are both federal under the  
12 Voting Rights Act.

13 CHAIRMAN LINARES: Thank you. Other questions?  
14 Starting from the far left, Ms. Wortham.

15 MS. WORTHAM: This is to anybody. Can you hear  
16 me? I can't hear myself. I would like to just  
17 inform you a little bit about the orientation and  
18 attitude of the voters whom you're helping. Are  
19 these voters expecting to remain limited English  
20 speaking and see your outreach as a way of  
21 accommodating that? Or when you're talking to  
22 them, do these people have prospects of being fully  
23 English speaking as possible and see you as --  
24 people in your organizations as facilitators for



1    them as they move on in their continuation of  
2    learning the language?

3               I really would like to see the other side  
4    of your outreach, the people you're outreaching to.

5               MS. CORTEZ:  So some of the people that are  
6    voters that are limited English proficient are 50,  
7    70 years old, 60 years old.  Some of them might be  
8    younger.  So you might have an 18-year-old that  
9    might be limited English proficient now and won't  
10   be so limited English proficient in 20 years.  Some  
11   of them will learn more English and some of them  
12   won't.  There's no telling.  Our services or what  
13   we're doing isn't -- isn't saying that they're  
14   going to become completely fully English.

15              As long as the census data and/or the  
16   survey data still says they mark -- continue to  
17   mark off that they need help with accessing the  
18   ballots because of their language abilities, then  
19   they're still going -- we're hoping they're still  
20   going to continue to receive those services.

21              MR. KANG:  So, you know, to piggyback on those  
22   comments, I think with first gen new Americans, the  
23   challenges are a little bit more pronounced, right.  
24   They may have functional English to run a business,





1 but, you know, I think someone's comment earlier,  
2 being an attorney and a fluent English speaker  
3 myself, some of those referendum questions, I'm not  
4 quite sure what I'm being asked sometimes.

5 So I think having a comfort level in your  
6 native first language, that is something that  
7 really encourages someone to engage in the voting  
8 process. I think traditionally you find with  
9 second generation or even 1.5 generation, the  
10 acclimation and having the English skills does come  
11 over time.

12 But I think the one thing we want to make  
13 sure is that newcomers that come, you know, newly  
14 minted U.S. citizens don't feel like they have to  
15 wait before they can vote, right. I think, you  
16 know, when Section 203 was up for renewal in  
17 Congress, there was some debate over whether this  
18 promotes folks not learning English and, you know,  
19 Congressman John Lewis actually got on the floor  
20 and said, if we don't provide Section 203 as a  
21 right for new Americans, we're basically supporting  
22 a literacy test, modern day literacy test to  
23 immigrants. That's just not something that we want  
24 to do. So those are words that I take to heart.



1 MS. VERMA: If I could have a quick moment here  
2 to share a couple experiences that I've had because  
3 being in the forefront, working with voters  
4 directly and reaching out to them about language  
5 access, I would agree with both Veronica and Andy's  
6 comments because there is definitely a need for  
7 language assistance because you can see the  
8 difference. As I've been working with communities  
9 and I was surprised to meet people who live in the  
10 United States for 10, 15, 20 years, been citizens,  
11 but just never registered to vote. And you can see  
12 what the barriers are and what keeps them away on  
13 election day.

14 So those are some of the eye-opening  
15 experiences that I have had which I have lived here  
16 for ten years, but, again, having the privilege of  
17 knowing the language and all of that that we have  
18 we don't realize when we go out and work with  
19 people and we see the limitations and barriers that  
20 they have. Whatever is being done, you know,  
21 there's always room for more; but, again, whatever  
22 is being done, there's definitely no going back  
23 because it does help and it's working.

24 And when you see those people who have



1 lived here that long and are finally coming out and  
2 being excited to register and then voting, it's a  
3 great feeling and you can see the positive result  
4 right there.

5 CHAIRMAN LINARES: Mr. Nevels?

6 MR. NEVELS: So in that line, in that vein of  
7 making sure that newly minted citizens exercise the  
8 franchise, you know, with the recent xenophobic  
9 rhetoric, at least at the national level, to what  
10 degree do you believe that may impact language  
11 access provision or utilization of those services  
12 specifically as it relates to -- you mentioned I  
13 believe, Ms. Verma, that there's some citizens who  
14 have been citizens for 20 years and haven't voted.  
15 Is that a concern? Are you seeing something now?  
16 Are you preparing strategically in your messaging  
17 or are you thinking about that rhetoric and how it  
18 may be potentially impacting language access?

19 MS. VERMA: Yes, of course, and that is the  
20 whole purpose behind this language access program  
21 and all the efforts that we put into it and all the  
22 images of us being out in the community working  
23 with people.

24 MR. NEVELS: That rhetoric is relatively new.



1 You've been doing this for a minute now, right, and  
2 now we have this rise of rhetoric taking place, at  
3 least at the national level.

4 MS. VERMA: I always see the positive that  
5 comes from this because I believe this is important  
6 and the fact that, you know, it's never too late.  
7 So if this -- and I know there were things that  
8 could have been done before, but like I said, we've  
9 been providing language assistance in Spanish since  
10 the '70s. We have almost 900 precincts in Chicago,  
11 and it's a very robust outreach program, you know.  
12 You see this growing and you can see the  
13 participation goes up. And, for me, for the Asian  
14 India community that I'm noticing and all the  
15 people that I work with, for me, yes. I'm happy to  
16 use this as an example. I encourage whoever we can  
17 that this is a positive step and it helps and it's  
18 working and I think it needs to continue.

19 MR. KANG: I was going to say, and I'll try to  
20 keep this in general terms out of respect for the  
21 Commission, there is actually stronger interest in  
22 voting in the immigrant communities, at least based  
23 on, you know, the community partners that we work  
24 with. If they weren't paying attention before,



1 they are now.

2 And so now that's not to say that many  
3 members of the Asian-American community didn't vote  
4 a certain way and maybe have some regrets with that  
5 decision or -- I realize that maybe they want to  
6 reconsider some of the priorities or factors that  
7 they haven't thought about. I think we're finding  
8 at least in the community that there is a renewed  
9 interest in being engaged which is a healthy thing.  
10 And so, you know, to the extent that anti-immigrant  
11 rhetoric and things that are out there, if it was  
12 meant to discourage people, actually I think it's  
13 going to have the opposite effect.

14 MS. CORTEZ: I would like to add just that  
15 citizenship applications are on the rise. There's  
16 been -- and so we're going to see more people  
17 becoming citizens, right. That application rate  
18 has been more than it has been. And so there's  
19 going to be more people probably that are going to  
20 need language access that are citizens but also  
21 more people that are going to want to go and  
22 register and become -- they're becoming U.S.  
23 citizens because of the rhetoric right now.

24 MR. CORTAZAR: I also don't want to at the same



1 time discount what you were saying. I think that,  
2 you know, we had reports of voter intimidation at  
3 the polls. I think we saw in the news people  
4 talking about people in the polls who were not  
5 citizens who, based on their opinion, in certain  
6 instances, those people making those comments were  
7 not actually citizens themselves. But I think that  
8 part of what that comes from is from the xenophobic  
9 rhetoric that we're having and also ignorance about  
10 the history of voting rights in the country and the  
11 ignorance about the fact that you do -- that people  
12 do have this right for 40 years now to cast an  
13 informed ballot in the language that they're most  
14 comfortable speaking and reading.

15 CHAIRMAN LINARES: Thank you for those  
16 comments. Ms. Rodriguez?

17 MS. RODRIGUEZ: I had a point of clarification  
18 on the application of Section 203 and 208 in terms  
19 of identifying languages based on -- is it the  
20 census? And I guess this question came up I think  
21 when Ms. Verma mentioned that the Korean language  
22 was -- I don't know if it was a ward or a district  
23 -- ward, in this case. So do you revisit that  
24 through the American Community Survey in terms of



1 identifying -- providing the language for specific  
2 area? Clarification on determining the  
3 application.

4 MR. KANG: I'm going to give this back to Ryan  
5 and then Shobhana, but with respect to the Koreans,  
6 it was a mix. So it's always a little bit of a  
7 mix. We looked at the ACS data and had a  
8 conversation with Chicago Board of Elections and  
9 David Orr's office, the Cook County Clerk. And  
10 then there was some community feedback from some of  
11 our Korean partners about areas that they thought  
12 were higher needs -- higher need areas.

13 So, for example in Chicago, the highest  
14 need areas are where -- there are a couple of  
15 well-known Korean senior homes, and these are  
16 voters that are not mobile. So they usually vote  
17 by mail and a translated sample ballot becomes  
18 incredibly useful. So those were some of the  
19 little tweaks and considerations that the data  
20 doesn't always give you that picture of.

21 MR. CORTAZAR: I believe the question was  
22 whether they use the decennial census or the  
23 American Community Survey. So I believe that up  
24 until the mid 2000s, it was the census itself; and



1 then, at that point, they started using the survey.  
2 And that has some -- actually since they have been  
3 doing that, every five years, the 2016 203 coverage  
4 is broader in general than what we saw in 2011.

5 But that does not mean that we don't have  
6 concerns. I think one of the good things about  
7 that is that we realize people move more than once  
8 every ten years. But the problem is that we also  
9 on this panel realize that we might have some  
10 problems with the methodology because of what  
11 happened in DuPage County where what we think is  
12 happening on the ground is that community is  
13 growing, but what the regression showed or what  
14 their survey showed was that it had gone down a  
15 little bit. We just don't think that that's  
16 actually the case.

17 CHAIRMAN LINARES: Thank you. Other questions?  
18 Mr. Howard?

19 MR. HOWARD: Mr. Kang, you had mentioned the  
20 Election Assistance Commission Termination Act,  
21 HR634. Could you give us a background on that and  
22 what your group is doing in opposition?

23 MR. KANG: Well, along with our affiliates, we  
24 are obviously opposed to that effort. As far as





1 the background behind it, I'm trying to remember my  
2 parameters here before the Commission. I think  
3 there are some folks who are not of a mind that  
4 resources, federal resources or even attention  
5 should be given to encouraging immigrant voters to  
6 vote, right, that those type of efforts, maybe  
7 money may be better spent in other places, right,  
8 and we would differ with that point of view.

9 I think a more cynical view would be that  
10 there are folks that are not keen on our community  
11 or the limited English new Americans, that  
12 demographic voting in elections. And so there may  
13 be a lot of different reasons for that, but, you  
14 know, I couldn't speculate on that background with  
15 certainty for the Commission.

16 MR. HOWARD: Is that currently being debated?  
17 Do you know what the status of that bill is?

18 MR. KANG: I don't know the status of that bill  
19 as of this week. I do know that that was something  
20 that was filed and it's being looked at, and my  
21 understanding is it does have support and so it's  
22 something we are concerned about.

23 MR. HOWARD: Thank you.

24 CHAIRMAN LINARES: Other questions? Going



1 once, twice? Hearing no questions, we do have a  
2 few minutes. I'll leave it for you on the panel  
3 to -- if there's anyone with a concluding thought  
4 that you would like to share? None heard.

5 We want to thank you, Mr. Kang, Ms. Verma,  
6 Ms. Cortez, and Mr. Cortazar for your testimony  
7 today. We will be compiling all the transcripts  
8 and putting forth recommendations in the next few  
9 months. With that, we appreciate it again. Thank  
10 you so much, and this session is closed.

11 This Committee will be taking a lunch  
12 break, and we will reconvene again at 1:30 p.m.

13 (Off the record at 12:24 p.m.)

14 (On the record at 1:32 p.m.)

15 CHAIRMAN LINARES: Well, good afternoon. Thank  
16 you for those who have shown up. We had a great  
17 morning of testimony here for those of you who were  
18 here. Thank you to the Committee, too, for all the  
19 questions that you have asked so far.

20 We have our new set of panelists today to  
21 talk about voting across social groups. Before we  
22 get into that, before we get into the rules, I do  
23 want to introduce Mr. Marty Castro who was formerly  
24 the commissioner -- the Chair from Washington,



1 D.C., of U.S. Commission of Civil Rights. You want  
2 to say a few words.

3 MR. KAZMI: He didn't get fired.

4 MR. CASTRO: My term expired. So now I'm a  
5 civilian, a veteran of this august body. I served  
6 as a member of the State Advisory Committee, Vice  
7 Chairman of the State Advisory Committee, Chair of  
8 the Advisory Committee, and then the President --  
9 President Obama deigned to appoint me to the big  
10 Commission and made me Chair. So I served there  
11 for six years and it was a great honor.

12 We addressed many of the issues that  
13 affect folks here in Illinois and across the  
14 country, and we worked in tandem with this advisory  
15 committee on a number of issues including, most  
16 recently, the issue of environmental justice which  
17 is important. And I'm glad to see that you're  
18 focusing on voting rights here in Illinois because  
19 a lot of folks think that the voting rights issue  
20 is only an issue that affects the southern states  
21 or some of the more extreme political states where  
22 we've seen some very harsh efforts to decrease the  
23 access to vote.

24 But when you look at Illinois, as you'll



1 see and as you said, there are going to be a number  
2 of issues that we look at. We would love to be  
3 able to register more people and have automatic  
4 voter registration so that people have to opt out  
5 because what we want to see is a robust democracy.  
6 Like Al Smith said, There are no ills of democracy  
7 that a little more democracy can't solve, can't  
8 fix. And so when you're looking at voter  
9 registration and voter rights, let's make more  
10 people eligible. Let's knock down more barriers as  
11 opposed to placing them. Let's maybe look at the  
12 issue of the electoral college. How Democratic is  
13 that?

14 So there's issues that may relate to a  
15 number of direct issues of the day and something  
16 that may be more long-term, but I am very glad and  
17 very pleased to see that this State Advisory  
18 Committee, and I know a number of your sister state  
19 advisory committees across the country are looking  
20 at this.

21 So I hope the mothership sees this and  
22 begins to focus this year and in the coming year on  
23 voting rights because it's going to have a greater  
24 impact as we all have already begin to see.



1           So thank you for the opportunity to say a  
2   few words. Good to see you all. Keep up the good  
3   work. Thank you for the service that you put here  
4   in Illinois, but really you serve all the people in  
5   the United States, and thank you for all for  
6   accepting the invitation. They can only do their  
7   work because of the work that you all do. So I  
8   appreciate that, too. Thank you.

9           CHAIRMAN LINARES: Thank you so much, Marty.  
10   We appreciate it. We appreciate your service. I  
11   have to say from a personal standpoint that since  
12   your appointment several years ago, I think the  
13   issues of civil rights came to another level of  
14   prominence than they were before that. So we  
15   appreciate your service as well.

16           With that said, without further ado, I'm  
17   going to summarize the rules because you weren't  
18   here in the morning. What we'll do is each one of  
19   you will get 12 minutes to present your piece.  
20   we'll do -- everyone will present and then we'll  
21   have time for question and answer between the  
22   tables here. And in terms of statements that might  
23   be degrading or going off the topic, I will hold  
24   the prerogative to stop any statements of that kind



1 or we'll give authority to the Committee members as  
2 well to speak up. We haven't had that issue. We  
3 don't think we will.

4 That said, once we do finish your  
5 testimony, every Committee member here gets one  
6 question plus a follow-up. And then given any time  
7 at the end, as I said this morning, when there are  
8 rules, sometimes we can bend those, so if there's  
9 time allotted, then others can ask further  
10 questions if they wanted to follow up.

11 So with that, I do want to introduce each  
12 of our speakers. They are Mary Schaafsma from the  
13 League of Women Voters of Illinois. We have  
14 Mr. Juan Thomas from the NAACP. We have  
15 Mr. Christian Diaz, formerly of Chicago Votes. We  
16 have Ms. Sharon Legenza from Housing Action  
17 Illinois. And we have Ms. Cheryl Jansen from Equip  
18 for Equality. Thank you all for being here today.

19 We're going to start to your right with  
20 Ms. Mary Schaafsma. And the floor is yours for the  
21 first 12 minutes.

22 MS. SCHAAFSMA: Thank you. I can't hear in my  
23 own ears.

24 MR. KAZMI: Eat the mic more.



1 MS. SCHAAFSMA: Eat the mic more. Somebody  
2 said put it right up to your chin which seems  
3 really odd, but I'll try to do that.

4 Good afternoon. My name is  
5 Mary Schaafsma, and I'm the Executive Director of  
6 the League of Women Voters of Illinois. Thank you  
7 to the Advisory Committee -- the Illinois Advisory  
8 Committee for this opportunity, and I'm also  
9 honored to join colleagues on this panel.

10 The League of Women Voters was founded in  
11 Chicago in February 1920 at the Pick Congress  
12 Hotel. The founding occurred six months before the  
13 final ratification of the 19th Amendment extended  
14 the right to vote to women. The League offered  
15 itself as a mighty political experiment designed to  
16 help the 20 million newly franchised women carry  
17 out their responsibilities as voters. The  
18 suffragists who founded the League believed that  
19 citizenship played a crucial role in advocacy,  
20 democracy, and civic engagement.

21 Nearly a hundred years a later, that is  
22 still the mission of the League. The League of  
23 Women Voters stands firm in its belief that voting  
24 is bedrock to democracy. That is a civil right



1 that must be encouraged and protected. Voting must  
2 be free, fair, and accessible to all those entitled  
3 to vote, and an election should offer meaningful  
4 choices for voters.

5 To that end, the League supports  
6 uniformity of election laws and procedures in all  
7 jurisdictions throughout Illinois. Registration  
8 and voting methods should ensure the integrity of  
9 the election process, maximize voters free access  
10 to the ballot, preserve the secrecy of the ballot,  
11 and ensure accurate and timely vote tabulation.

12 Individuals and organizations should have  
13 the right to file complaints and writs of mandamus  
14 to force compliance with election laws. The League  
15 supports an efficient, practical, and regular  
16 election schedule. At each polling place, there  
17 should be election judges for more than one of the  
18 major political parties. The League supports  
19 mandatory training and periodic retraining of all  
20 election judges. In tabulating votes, any mark or  
21 other indication that clearly shows the intent of  
22 the voter should be counted.

23 The Illinois League has members in  
24 40 local leagues throughout the state, and because





1 it is central to our mission, election monitoring  
2 and observation are priorities.

3 Recent observations and comments. First,  
4 Illinois voters enjoy the chance to vote early  
5 which provides greater flexibility and convenience,  
6 although some consistency across jurisdictions  
7 about the dates and hours during which this option  
8 is available would be useful. Illinois allows  
9 same-day registration which has the potential to  
10 increase voter turnout; but during the 2016 primary  
11 election, several election jurisdictions had an  
12 inadequate supply of ballots including Adams and  
13 Champaign counties. Why did this happen? Budget  
14 constraints; unintended partisan decisions.

15 Have current budget constraints resulted  
16 in voter confusion occasioned by multiple precincts  
17 in one polling place? What happens to provisional  
18 ballots? Are they counted? Has the same-day  
19 registration option made the casting of provisional  
20 ballot essentially moot? Ensuring consistent  
21 regular election judge training and recruitment  
22 that take language assistance necessity into  
23 account is essential, particularly given the fact  
24 that we now have a same-day voter registration



1 option.

2 In Illinois, each election jurisdiction  
3 has discretion in implementing certain aspects of  
4 election law and procedure. The League believes  
5 that uniformity among jurisdictions should be a  
6 goal.

7 Since claims of voter fraud have arisen  
8 and persist, is there or should there be a better  
9 system of ensuring the currency of voter rolls?  
10 How well is ERIC assisting efforts in Illinois?

11 Leagues across Illinois in the main enjoy  
12 cordial working relationships with many clerks and  
13 election authorities. We certainly appreciate  
14 their support particularly at our high school mock  
15 election program. But there are other less  
16 tangible barriers to voting that are not as much of  
17 the administration of the elections as they are  
18 about voter access, interest, and turnout.

19 The lack of civil discourse in elections  
20 most certainly affects voter turnout. Election  
21 campaigns should be an opportunity for voters to  
22 witness honest, straightforward conversation and  
23 debate about the issues of the day, not the vitriol  
24 that has attended many recent campaigns. The



1 process of redistricting in Illinois tends to  
2 reduce of number of competitive elections,  
3 particularly in state legislative state races.  
4 Voters have fewer options, and in noncompetitive  
5 races, voters can be disinclined to value the  
6 significance of their vote.

7 The League encourages women to run for  
8 public office, but they, like men, are challenged  
9 by the need to raise money to mount a serious  
10 campaign. The Illinois legislature should  
11 seriously address campaign finance reform in a  
12 meaningful way, something that it has avoided doing  
13 for too long.

14 Illinois's law about petition gathering  
15 also poses a disadvantage to potential candidates.  
16 State law limits the ability to run for public  
17 office because the confusing, time-consuming  
18 process of signature gathering discourage men and  
19 women from running for public office.

20 Voter suppression comes in many different  
21 forms.

22 I hope on behalf of the League of Women  
23 voters, those being raised here today from all of  
24 us offer all of us a chance to work together as we



1 address them and offer meaningful solutions.

2 Thank you again for the opportunity.

3 Thank you especially to the Advisory Committee for  
4 scheduling these hearings and taking the time to  
5 advocate policy makers and others to focus on civil  
6 rights and voting. Democracy depends on it.

7 CHAIRMAN LINARES: Thank you so much,  
8 Ms. Schaafsma, for your comments.

9 So Mr. Thomas, the microphone is yours.  
10 You have 12 minutes.

11 MR. THOMAS: Good afternoon. Again, my name is  
12 Juan Thomas. I want to thank this Advisory  
13 Committee to this Commission for inviting me on  
14 behalf of the Illinois Conference of the NAACP to  
15 testify regarding voting rights in Illinois. I  
16 want to thank and acknowledge our Illinois State  
17 Conference President Theresa Haley and thank her  
18 for allowing me the opportunity to represent our  
19 state conference today to discuss this very  
20 important topic.

21 I serve on the State Conference Executive  
22 Committee and as chair of our Legal Redress  
23 Committee. I'm also a practicing attorney and just  
24 recently became of counsel to the Law Firm of



1 Quintairos, Pietro, Wood & Boyer here in Chicago  
2 which is the largest minority women-owned law firm  
3 in the country.

4 More than 40 years after our ancestors  
5 were freed and 12 years after the Supreme Court  
6 Plessy versus Ferguson case that legalized formal  
7 segregation under the doctrine of "separate but  
8 equal", a race riot of 1908 in Springfield,  
9 Illinois, became the catalyst that led to the  
10 formation of the NAACP. Although there were many  
11 serious racial riots throughout the country, the  
12 one in Springfield, Illinois, was the most  
13 frightening race riot of all according to  
14 Julian Bond who served as chair of our Board of  
15 Directors before he passed away.

16 With the NAACP, which is the oldest and  
17 largest civil rights organization in the country,  
18 the headline story of November 8th was not merely  
19 President Trump's triumph or Hillary Clinton's  
20 succession but, rather, the millions of Americans  
21 who were unable and who unnecessarily struggled to  
22 cast their vote because of a badly broken Voting  
23 Rights Act.

24 Without any questioning -- without in any



1 way questioning the legitimacy of the election's  
2 outcome, Americans must be concerned about the  
3 number of suppressed votes particularly relative to  
4 the popular vote. Throughout this past election  
5 season, the NAACP was confronted with numerous  
6 unconstitutional voter suppression issues including  
7 voter perjury -- vote purging, intimidation, and  
8 misinformation. This became a serious issue in the  
9 African-American community where there were  
10 intentional allegations regarding suppressing the  
11 right to vote.

12 The NAACP will not be distracted or  
13 dissuaded to continue the work to fight for voting  
14 rights for all Americans throughout this country  
15 and in Illinois. On election day, volunteers from  
16 all across the country and in Illinois were at the  
17 command center and on the ground across the country  
18 to assist people with the right to vote and make  
19 sure that they were not having any issues at  
20 polling places or missing registrations or absent  
21 election judges in hour-long waiting lines.

22 The NAACP also prevailed in federal courts  
23 against voter suppression no less than nine times  
24 in recent months. Not only in Texas, but also



1 North Carolina, our state conference saved nearly  
2 5 percent of the electorate when the U.S. Appeals  
3 Court of the Fourth Circuit ruled that the state  
4 legislature had enacted discriminatory voting laws  
5 that intentionally targeted and disenfranchised  
6 African-American voters.

7 History will not only judge us on how we  
8 respond to this matter historically but also in the  
9 future. All together, we mobilized over 2 million  
10 activists, legal activists as well, and also  
11 created half a million card-carrying members, 2,000  
12 local units to help protect the right to vote this  
13 past election cycle.

14 The NAACP is very concerned about the  
15 badly broken Voting Rights Act. We could not  
16 afford to send untold teams of lawyers to court and  
17 spend incalculable sums of money to defend our  
18 right to vote in court and in the streets again and  
19 again and again. This is because under the current  
20 structure and because of the Shelby decision, we  
21 are now relying solely on Section 3 of the Voting  
22 Rights Act which requires litigants to file actions  
23 after the fact once an issue of discrimination has  
24 been caused in the polling place or in their state.



1 Any effort to suppress the vote whether at  
2 the hands of law makers, judges or everyday people  
3 must continue to be considered unjust and  
4 unacceptable. The NAACP will not rest until full  
5 and equal voting rights are restored for each and  
6 every American.

7 Specifically, here in Illinois, the NAACP  
8 is working to register, educate, and mobilize  
9 voters throughout the state. According to the 2014  
10 voter registration records, 35 percent of eligible  
11 African-American voters were not registered to  
12 vote. In other words, of the 1.2 million  
13 African-Americans that are registered -- that are  
14 eligible to be registered to vote, 424,132  
15 African-Americans in Illinois are not registered to  
16 vote. We are working to close -- to shrink this  
17 number.

18 Specifically, we are also in support of  
19 bipartisan legislation that would establish a  
20 system of automatic voter registration and make it  
21 easier for millions of Illinois residents to  
22 exercise their right to vote. We were disappointed  
23 that Governor Rauner vetoed this legislation last  
24 August, and we are hoping that this will become --





1 will be reintroduced this General Assembly and  
2 become law. It is important that we advocate to  
3 support this type of legislation because we believe  
4 it's necessary to protect voting rights in  
5 Illinois.

6 In conclusion, I would like to draw this  
7 Committee's attention to a report done by the  
8 Chicago Lawyers Committee, the Joyce Foundation,  
9 MALDEF, and Advancing Justice, a report that came  
10 out in 2015 titled the Color of Representation,  
11 Local Government in Illinois. This report  
12 highlights the impact of voting and the lack of  
13 peoples of color votes with respect to their  
14 representation on the local level of government.  
15 It highlights a variety of different counties  
16 throughout the state where African-American and  
17 Latino votes are not only suppressed, but also  
18 marginalized in a way that does not create fair and  
19 equal representation based upon peoples of colors  
20 population numbers.

21 With that, I thank you again for this  
22 opportunity and look forward to your questions.

23 CHAIRMAN LINARES: Thank you so much,  
24 Mr. Thomas. We now have Mr. Christian Diaz. You



1 have the microphone for the next 12 minutes.

2 MR. DIAZ: Thank you. So, again, my name is  
3 Christian Diaz. I'm formerly the Executive  
4 Director of Chicago Votes, and I want to start off  
5 by thanking the Illinois Advisory Committee to the  
6 U.S. Commission on Civil Rights for putting  
7 together this really important event, and I'm  
8 honored -- we are honored to be here to be able to  
9 testify.

10 So Chicago Votes was founded in 2012. We  
11 are a nonpartisan, nonprofit organization building  
12 more inclusive democracy by putting power in the  
13 hands of young people. We seek to make sure that  
14 our elections are more secure, more efficient, and  
15 more accurate through common sense democracy  
16 reforms, like online voter registration and  
17 election day voter registration.

18 Since 2012, Chicago Votes has registered  
19 over 25,000 young -- or people to vote and trained  
20 hundreds of leaders to work in government and  
21 politics in the nonprofit sector. Additionally,  
22 we've distributed over almost 200,000 nonpartisan  
23 voter guides. We also work directly with civic  
24 teachers in CPS classrooms to provide capacity and



1 support for meaningful service learning programs  
2 that incorporate research, planning, execution, and  
3 reflection to complement civic education in young  
4 people.

5 We believe democracy reforms, leadership  
6 development, and education and partnerships with  
7 institutions are what will change this trend in  
8 voter participation among young people.

9 So what is the need? According to the  
10 2011 Illinois Civic Health Index, Illinois ranked  
11 13th in the nation out of 51 states in terms of  
12 young people discussing community issues with their  
13 friends and family. According to the same study,  
14 Illinois ranks 47th in the nation in terms of young  
15 people participating in local elections. What does  
16 this tell us? What barriers prevent young people  
17 from participating in elections? And what is the  
18 impact of low voter turnout? These are important  
19 questions that we need to ask ourselves.

20 But, first, I should start by clarifying,  
21 you know, what is a Millennial. For today's  
22 purposes, I'm referring to young people between the  
23 ages of 18 and 35. In 2015 -- in 2015, Millennials  
24 surpassed Baby Boomers as the largest living



1 generation in history with 75.4 million young  
2 people in this country compared to 74.9 million  
3 Baby Boomers. By 2036, it is estimated that this  
4 will increase to 81.1 million Millennials making  
5 our generation the largest voting block in history.

6 But study after study shows that a lot of  
7 work still needs to be done to increase civic  
8 participation among this generation. The truth is,  
9 the young people care a lot. UCLA's 2015 survey of  
10 first year college students in the U.S. found  
11 interest in political and civic engagement has  
12 reached the highest level since the study began 50  
13 years ago. Illinois Millennials are more likely to  
14 volunteer than their national peers, 21.3 percent.  
15 Additionally, they outpace the national average in  
16 making donations of \$25 or more to community  
17 organizations.

18 But how do we translate this civic  
19 interest into voting and voter participation?  
20 well, Millennials value community service. It  
21 appears that it is -- that there is a disconnect  
22 between ideas around community service, civic  
23 responsibility, and voting. Young people don't see  
24 the political system often as relative to their



1 daily living conditions. A recent survey showed  
2 that only 13 percent of young people think they  
3 will run for office at some point in their lives.

4 We, too, must ask ourselves, what barriers  
5 prevent people from voting? According to the Pew  
6 Research Center, the United States ranks 31 out of  
7 35 developed countries trailing most in voter  
8 turnout. Barriers that prevent people from voting  
9 include inefficient and outdated voter registration  
10 systems. Lack of opportunities -- in regard to  
11 youth, lack of opportunities for meaningful civic  
12 education, and a disconnection between constituents  
13 and the political parties that aim to represent  
14 them.

15 I also want to note that equity as always  
16 is very important in this conversation. Voter  
17 turnout among young people varies drastically by  
18 education, income, race, and ethnicity.  
19 Historically marginalized communities suffer from  
20 civic empowerment gaps across age groups but  
21 markedly so among young people. As early as the  
22 4th grade and continuing into 8th and 12th grade,  
23 African-American, Hispanic, and poor students  
24 perform significantly worse on tests of civic



1 knowledge than their white, Asian, and middle-class  
2 peers.

3           Considerable studies show living in areas  
4 of concentrated poverty are significantly less  
5 likely to be -- people living in areas of  
6 concentrated poverty are significantly less likely  
7 to be civically engaged and have less opportunities  
8 for meaningful civic engagement. Experiences that  
9 promote civic readiness are overwhelmingly  
10 distributed in favor of affluent communities.

11           This creates a cycle in which people  
12 living in poverty face enormous challenges to civic  
13 participation including instability in their  
14 housing as well as having to work multiple jobs.  
15 The effect is that when young people don't  
16 participate, candidates don't believe they need to  
17 win the vote of this demographic in order to be  
18 elected into office; and, in return, they don't --  
19 they sometimes don't take into consideration the  
20 needs of that demographic because they're not  
21 voting. And so this creates a cycle and a trap  
22 where poverty begets low civic participation and,  
23 in return, low civic participation reinforces  
24 systems that have created communities that live in



1 poverty.

2           what is the impact of low voter  
3 participation among young people? Studies show a  
4 direct correlation between civic participation and  
5 the well-being of a community across health,  
6 education, and income. Access to high quality  
7 civic education and service learning opportunities  
8 increase a student's likelihood of graduating from  
9 high school and acquiring a degree in higher  
10 education. Civic education develops collaboration,  
11 communication, deliberation, and critical thinking  
12 skills that best prepare students for higher  
13 education as well as the work force.

14           Civic health refers to a young person's  
15 connectedness to their neighbors and to elected  
16 officials, for example, and so we must strive to  
17 increase the civic health of young people in our  
18 state. But we are making progress.

19           Looking at the Illinois 2016 primary, we  
20 see that democracy reform, civic education, and  
21 civic engagement lead to higher youth voter  
22 turnout. The March 15th Illinois primary election  
23 surpassed previous records by 6 percentage points  
24 in youth voter turnout. And Illinois represents



1 the second largest increase nationally in youth  
2 voter turnout among -- in primary elections.

3 So why the higher rate of voter  
4 participation on March 15th? We believe that  
5 democracy reforms such as online voter  
6 registration, grace period early voting and  
7 registration, election day voter registration  
8 created conditions in which more people could have  
9 more choices to choose what form of voting is best  
10 suited for their lifestyle.

11 80 percent of registrations leading up to  
12 the primary election on March 15th happened on  
13 line. Additionally, 110,000 people used election  
14 day voter registration on March 15th. And we can  
15 ask ourselves, if these policies weren't in place,  
16 how would these folks have had access to the  
17 ballot?

18 We believe that increased opportunities  
19 for civic education, leadership development, and  
20 civic action elevate the voices of young people and  
21 make elections more relevant to their lived  
22 experience, thus increasing voter participation.  
23 Organizations and efforts like those of Chicago  
24 Votes, Mikva Challenge, and the Chicago Public





1 Schools' Department of Social Science and Civic  
2 Engagement give opportunities for young people to  
3 understand government and elections as well as the  
4 tools to communicate issues that impact young  
5 people to candidates and elected officials.

6 In conclusion, our recommendations for  
7 increasing voter participation not just among young  
8 people but across all communities include  
9 modernizing elections through common sense reforms  
10 such as automatic voter registration and public  
11 financing for campaigns. Automatic voter  
12 registration is a policy that will make our  
13 election system in Illinois more accurate, more  
14 efficient, and more secure.

15 We also believe that the states should  
16 increase funding for organizations and institutions  
17 to increase their capacity to provide meaningful  
18 civic education to young people.

19 Finally, we must address the significant  
20 disparity in income, education, and historically  
21 disenfranchised communities if you want to make  
22 further progress. Thank you.

23 CHAIRMAN LINARES: Thank you, Mr. Diaz. We  
24 appreciate it.



1           Ms. Legenza, you have the microphone. You  
2 have 12 minutes.

3           MS. LEGENZA: Can everyone hear me? well, good  
4 afternoon. I want to echo the thanks of my  
5 panelists to the Illinois Advisory Committee for  
6 the U.S. Commission on Civil Rights for holding  
7 this important day of hearing on voting rights in  
8 Illinois; but I particularly want to thank you for  
9 including a particularly overlooked group which is  
10 those experiencing homelessness in Illinois.

11           So my name is Sharon Legenza, and I'm the  
12 Executive Director of Housing Action Illinois. For  
13 30 years, Housing Action has worked to expand and  
14 preserve fair, accessible, and affordable housing  
15 for all Illinois residents, but particularly those  
16 with the lowest incomes. We are a statewide  
17 coalition with over 150 member organizations  
18 including nonprofit affordable housing developers,  
19 helping housing agencies, and homeless and  
20 supportive service providers. Together, we believe  
21 that we are stronger to advance equitable housing  
22 solutions for all Illinois residents.

23           So I want to kind of have my talk broken  
24 up a little bit to give you some information about



1 who are homeless individuals in Illinois and what  
2 are the numbers, what are some of the challenges  
3 that they -- what the law is in Illinois regarding  
4 their rights to vote, what some of the challenges  
5 are, barriers, and then some possible solutions.

6           So as you can probably imagine, it's  
7 difficult to determine definitively the number of  
8 people experiencing homelessness on any given  
9 night. This is because the population includes not  
10 only those that are unsheltered, and, by that, we  
11 mean living on the streets or in cars or abandoned  
12 buildings, generally places that are not considered  
13 habitable for humans, but it also includes those  
14 that are temporarily sheltered in emergency  
15 shelters, transitional housing or supportive  
16 housing situations. And the definition of homeless  
17 also includes those who are doubled up by living  
18 with friends or relatives.

19           So this population can be very transitory,  
20 moving from place to place regardless of whether  
21 they are sheltered or unsheltered. Generally  
22 speaking, homelessness is caused by high levels of  
23 competition for housing resources and the need to  
24 avoid unmanageable housing cost burdens.



1           So every year, homeless service providers  
2           and volunteers throughout the state engage in  
3           what's called a point-in-time count. This is an  
4           effort to count the individuals experiencing  
5           homelessness on a particular night in January. The  
6           point-in-time count includes those who are  
7           unsheltered as well as those who are living in  
8           emergency shelters, transitional housing, and  
9           supportive housing.

10           Based on the 2016 point-in-time count,  
11           there were 11,590 individuals in our state  
12           experiencing homelessness. A majority of the  
13           persons identified as homeless at that  
14           point-in-time count were staying in emergency  
15           shelters or transitional housing, but many were  
16           also unsheltered. Importantly, veterans make up  
17           8 percent of this count or 949 people.

18           The point-in-time numbers do not include  
19           the even larger number of people in poverty living  
20           doubled up with friends and relatives. According  
21           to the U.S. Census, the number of people in poverty  
22           living doubled up in Illinois in 2014 was 259,484.  
23           Again, 259,484.

24           Doubled up households have a high risk of



1 homelessness. Nationally, living with friends or  
2 family due to economic need is the most often cited  
3 previous living situation for individuals and  
4 families entering the homeless system.

5           So just focusing on Chicago specifically,  
6 because I have some more specific breakdowns, the  
7 nonprofit organization, All Chicago Making  
8 Homelessness History, reports that about half of  
9 the people in the 2016 point-in-time count reside  
10 in Chicago. So 5,889 people experience  
11 homelessness on the street or in shelters in  
12 Chicago. 66 percent are male. 34 percent are  
13 female. .5 percent are transgender. 74 percent  
14 are African-American. 15 percent are white. And  
15 11 percent are Hispanic. 53 percent of homeless  
16 men and 26 percent of homeless women report having  
17 spent time in jail or prison. And veterans  
18 comprise 14 percent or a higher percentage of  
19 Chicago's homeless population. Again, this data  
20 does not include those who are doubled up and  
21 living with friends and relatives.

22           So as you can see, there are significant  
23 numbers of people experiencing homelessness  
24 throughout Illinois, and there's also a significant



1 overlap in terms of minority populations, prior  
2 interaction with the criminal justice system, and  
3 veterans status, and I know you had some speakers  
4 on that earlier today.

5           So in Illinois, we specifically recognize  
6 the voting rights of people experiencing  
7 homelessness as enacted in the Bill of Rights for  
8 the Homeless Act. The Bill of Rights for the  
9 Homeless states, in relevant part, "No person's  
10 rights, privileges or access to public services may  
11 be denied or abridged solely because he or she is  
12 homeless. Such a person shall be granted the same  
13 rights and privileges as any other citizen of the  
14 state."

15           A person experiencing homelessness has the  
16 right to vote, register to vote, and receive  
17 documentation necessary to prove identity for  
18 voting without discrimination due to his or her  
19 housing status.

20           Generally speaking, this right has been  
21 operationalized so that in order to register a  
22 person experiencing homelessness can use an address  
23 where he or she is able to receive mail such as a  
24 shelter or a friend's house as the address on the



1 voter registration form. Once registered, the  
2 voter's polling place is based on the address  
3 provided on the registration form.

4 So although Illinois has a legal frame  
5 allowing homeless individuals the right to vote,  
6 there remain challenges and barriers to this  
7 population fully realizing that right. After  
8 speaking with homeless service providers and  
9 advocates around the state, these challenges  
10 include lack of awareness of rights, identification  
11 documentation issues, difficulty traveling to  
12 polling places, and inconsistent knowledge on the  
13 part of election judges and on-site staff. So lack  
14 of awareness.

15 It appears that many people experiencing  
16 homelessness do not know that they have the right  
17 to vote and this may be because they do not have a  
18 permanent residence. One advocate stated that in  
19 her organization's experience, homeless individuals  
20 are enthused to register and actually do register  
21 when they learn that they can, but that generally  
22 there's a lack of information about voting rights.

23 For example, this past year, the Chicago  
24 coalition for the Homeless participated in a voter



1 registration effort launched during national  
2 homeless and low-income voter week. As a result of  
3 their education and outreach, over 400 homeless  
4 people in Chicago registered to vote. To do this,  
5 Chicago Coalition's staff and volunteers went to  
6 more than 20 shelters and community sites  
7 throughout Chicago.

8 This broad education and outreach effort,  
9 however, takes resources which then falls onto  
10 homeless service providers and advocates who are  
11 often already underresourced and overstretched. I  
12 want to make sure I get that right. So it's hard  
13 to rely on those types of efforts.

14 So maintaining proper and up-to-date  
15 identification is also often a challenge for many  
16 homeless individuals. Illinois provides homeless  
17 individuals the opportunity to obtain a state ID  
18 free of charge by using the Homeless Status  
19 Certification which is very helpful and has been  
20 used for people residing or receiving services from  
21 a social service agency. But some of the  
22 supporting documentation required for this form,  
23 like a birth certificate, costs money which many  
24 individuals do not have.





1           In addition, further moves make it  
2 challenging to ensure that all the identification  
3 is up to date so it can cause kind of a feedback  
4 loop in terms of making sure that you have the  
5 right identification.

6           Another barrier to voting is difficulty in  
7 physically getting to polling places particularly  
8 in areas where you can't walk or are not served by  
9 mass transit. One homeless service agency deals  
10 with this by having volunteers drive residents who  
11 wish to vote to the polling places in their  
12 suburban area. But not all the agencies have the  
13 resources to do this service and not all homeless  
14 individuals reside or receive services from a  
15 social service agency.

16           Election judges and staff often need more  
17 training to understand and consistently apply the  
18 rules regarding voting rights for people  
19 experiencing homelessness.

20           On election day 2016, the Election  
21 Protection Program run by the Chicago Lawyers  
22 Committee for Civil Rights fielded multiple calls  
23 from homeless voters. In one instance, a voter was  
24 staying temporarily with a friend but did not have



1 official documentation or mail tying him to that  
2 friend's address. When the voter arrived at the  
3 polling site, the election judges were not familiar  
4 with the provision of Illinois election law that  
5 allows homeless voters to vote in a precinct where  
6 they are authorized to receive mail. In this  
7 situation, fortunately, the voter, the friend, the  
8 election judge, and the election protection worker  
9 were all able to get on the phone and figure out  
10 what was going on and get the proper documentation  
11 so the voter was able to register and cast a full  
12 ballot that day.

13 But many of the ways to address barriers  
14 for people experiencing homelessness will also help  
15 other populations as well. The ultimate goal must  
16 be to decrease barriers to exercising the right to  
17 vote while ensuring the integrity of the voting  
18 process.

19 So the voting rights of people  
20 experiencing homelessness could be strengthened by  
21 increased statewide outreach and education,  
22 increased training of election judges and onsite  
23 staff, adopting automatic voter registration. As  
24 you might imagine, people experiencing homelessness



1 interact with a variety of state agencies, and this  
2 would very much simplify the process for them.

3           Allowing election day registration.

4 Again, it simplifies the process for them so they  
5 don't have to have multiple trips or go to multiple  
6 sites to try to register and then vote.

7           So the final item would be providing for  
8 range of options of when, where, and how to vote.

9 Allowing for early voting, a range of potential  
10 polling places, and mail-in voting would assist  
11 homeless people to exercise their franchise.

12           So protecting the integrity of our  
13 electoral process is important, and this goal can  
14 be achieved by common sense policies that are  
15 sensitive to the unique circumstances of homeless  
16 individuals without imposing undue burdens on them.

17           So I just met my one-minute mark. So I  
18 want to thank you for this opportunity. I look  
19 forward to answering any questions you might have.  
20 Thank you.

21           CHAIRMAN LINARES: Thank you so much,  
22 Ms. Legenza. We appreciate your time.

23           Ms. Jansen, you have the microphone. You  
24 have 12 minutes.



1 MS. JANSEN: Good afternoon, members of the  
2 Committee. Thank you very much for convening this  
3 hearing and providing us with an opportunity to  
4 talk with you about issues that voters with  
5 disabilities face in the State of Illinois.

6 My name is Cheryl Jansen, and I'm the  
7 Public Policy Director at Equip for Equality. And  
8 Equip is the independent nonprofit organization  
9 designated by the Governor to implement the  
10 federally mandated protection and advocacy system  
11 for people with disabilities in the State of  
12 Illinois. Our mission is to advance this civil and  
13 human rights of children and adults with  
14 disabilities across the state.

15 We have been actively working to ensure  
16 that people with disabilities have full and equal  
17 access to the electoral process since we were  
18 founded in 1985. We provide voting rights training  
19 and education to voters with disabilities, their  
20 families, election and other public officials, and  
21 service provider agencies, both public and private.  
22 We conduct voter registration, engage in poll  
23 watching, conduct polling place accessibility  
24 surveys, operate an election day help line for



1 voters with disabilities to assist them in  
2 exercising their right to vote.

3 For the 2016 general election, we  
4 partnered with the Chicago Board of Election  
5 Commissioners in a project called Voting Access  
6 Chicago. The aim of that project is to make all  
7 polling places in the City of Chicago fully  
8 accessible to people with disabilities by the year  
9 2018. For that project, we recruited, trained, and  
10 deployed over 250 volunteers and staff to conduct  
11 ADA accessibility surveys of over 1900 polling  
12 places on election day in the City of Chicago. Our  
13 voting rights work is really vital to our mission.

14 Historically, people with disabilities  
15 have been underrepresented at the polls. People  
16 with disabilities are more likely to report that  
17 they have encountered or expect to encounter  
18 problems when they go to vote.

19 By way of example, in the 2012 election,  
20 30 percent of people with disabilities reported  
21 difficulty in voting compared to 8 percent of  
22 people without disabilities. Based upon  
23 U.S. Census Bureau data, 15.6 million people with  
24 disabilities voted in the 2012 presidential



1 election. That represents only 57 percent of  
2 eligible voters with disabilities. In contrast,  
3 63 percent of eligible voters without disabilities  
4 voted in that election. And the practical effect  
5 of that disparity is that if voters with  
6 disabilities had voted at the same rate in that  
7 election as people without disabilities, there  
8 would have been 3 million more people with  
9 disabilities voting in that election.

10 This isn't to say that there has been no  
11 progress. There certainly has. Throughout the  
12 years, we have seen advances in the electoral  
13 system in the State of Illinois that have allowed  
14 many people fuller access to the electoral process.

15 However, some issues persist, and they are  
16 inaccessibility of polling places, problems with  
17 the accessible or electronic voting equipment,  
18 inadequate training of election judges,  
19 discriminatory attitudes and practices of election  
20 judges, family members, and guardians, and lack of  
21 transportation to the polls on election day.

22 So even with the enactment of the Help  
23 America Vote Act of 2002 and expanded opportunities  
24 to register and vote under state law, for instance,



1 registration and voting by mail, expanded  
2 opportunities for early voting and same day  
3 registration and voting, people with disabilities  
4 continue to be underrepresented at the polls.

5           So I would like to look more closely at  
6 some of the barriers I've identified starting with  
7 the inaccessibility of polling places.

8 Unfortunately, the most recent national data  
9 available indicates that at the time of the 2008  
10 election, less than a third of all polling places  
11 in the U.S. were barrier free. I would certainly  
12 like to think that those numbers have improved  
13 since 2008, but that data is not yet available.

14           What I do know is that based upon polling  
15 place accessibility surveys that Equip for Equality  
16 has done, consumer surveys that we have distributed  
17 and received and reports that we get from our  
18 election day help line, there's no question that  
19 physical access to polling places continues to be a  
20 serious issue for voters with disabilities in  
21 Illinois.

22           And in many instances, the physical access  
23 issues encountered by voters with disabilities  
24 could be remedied by very simple measures at a very



1 low cost. For example, providing a parking area  
2 for voters with disabilities with clear signage  
3 that exhibits the international symbol for  
4 disability access. Positioning the accessible  
5 voting machine in a way that provides unimpeded  
6 access and also privacy. Providing a working  
7 doorbell at the polling place entrance so that  
8 voters with disabilities who require assistance to  
9 enter can alert the election judges that they are  
10 there.

11           These types of physical barriers not only  
12 thwart voting by people with disabilities, but they  
13 also signal to people with disabilities that  
14 they're not equal or welcome participants in the  
15 electoral process.

16           With the termination of funding under the  
17 federal Help America Vote Act, funding to states --  
18 excuse me, with the termination of that funding to  
19 states and local units of government to make  
20 polling places accessible including path travel,  
21 entrances, exits and the actual voting area of each  
22 polling place, there are fewer resources and,  
23 frankly, fewer incentive for local election  
24 authorities to remedy these problems.





1 I think there's been a recurrent theme  
2 here about inadequate election judge training, and  
3 I would like to echo that. The Help America Vote  
4 Act mandates that every polling place be equipped  
5 with at least one electronic voting machine, but  
6 that doesn't necessarily mean that people with  
7 disabilities have the ability to vote in the same  
8 manner as people without disabilities including  
9 privately and independently. Voters with  
10 disabilities frequently report that the so-called  
11 accessible machine does not work, although upon  
12 investigation, sometimes it's as simple as plugging  
13 in the machine, or that election judges don't know  
14 how to start or operate the machine.

15 voters with disabilities report being  
16 asked to wait for 30 minutes or more while an  
17 election judge tries to troubleshoot the machine or  
18 waits for a technician to come and repair that  
19 machine. Some voters have been asked to come back  
20 at another time to vote.

21 we have encountered election judges who  
22 failed to display or offer aids to voters with  
23 disabilities such as a magnifying lens to someone  
24 with a visual impairment or election judges who



1 question the right of the voter with a disability  
2 to be assisted by a person of his or her choosing  
3 which is a right guaranteed under law; and we've  
4 also observed election judges challenging the right  
5 of a person with a disability to vote.

6 In part, this is surely a result of  
7 inadequate election judge training, but it's also  
8 due to a lack of funding that would allow election  
9 authorities to provide proper technical support to  
10 repair or replace what is now aging voting  
11 equipment.

12 All of these factors contribute to lower  
13 levels of participation in the electoral process  
14 for people with disabilities, and all of them  
15 demonstrate a critical need to improve and increase  
16 the education and training of election authorities  
17 and election judges in a way that will promote and  
18 not deter voting by people with disabilities.

19 A commonly cited reason for people with  
20 disabilities not voting is a lack of transportation  
21 to the polling place which, in turn, is tied to the  
22 lower income levels of many people with  
23 disabilities. Although vote by mail is now an  
24 option for all qualified voters in Illinois with no



1 excuse or reason required and early voting  
2 opportunities have been expanded, many voters with  
3 disabilities and those without disabilities find it  
4 a poor substitute for engaging in the voting  
5 process along with their fellow citizens on  
6 election day.

7 voters with disabilities have also  
8 expressed objections to curbside voting for that  
9 reason along with privacy concerns. While early  
10 voting provides people with disabilities some  
11 flexibility as to when they vote, it still requires  
12 access to transportation; and the lack of  
13 accessible transportation that is affordable and  
14 reliable is not an issue that's addressed by the  
15 Help America Vote Act or by state law. However,  
16 for voters with disabilities to become full and  
17 equal participants in the electoral process, it is  
18 an issue that needs to be recognized and addressed.

19 So in conclusion, although strides have  
20 been made since the Help America Vote Act was  
21 passed 15 years ago, voters with disabilities  
22 continue to face obstacles to full and equal  
23 participation in the electoral process.

24 And so we would urge this Committee to



1 carefully consider these ongoing barriers in  
2 preparing your findings and recommendations and  
3 report to the U.S. Commission on Civil Rights.  
4 Thank you very much.

5 CHAIRMAN LINARES: Thank you so much,  
6 Ms. Jansen. With that, we will open it up to the  
7 Committee for questions. We have about 24 minutes  
8 to do so. We hope that will take up that entire  
9 time, but if not, I'll open it up for final  
10 comments as well. So with that, are there any  
11 initial questions? Mr. Kazmi.

12 MR. KAZMI: Mr. Thomas, quick question for you.  
13 Prior to the break, we had heard about racial  
14 disparities obviously and incarceration rates but  
15 as a result in voting. You say that 35 percent of  
16 African-Americans that were eligible were not  
17 registered to vote. That 35 percent, if we read it  
18 literally that were eligible did not count those  
19 that were also incarcerated, right? Or does it  
20 also include individuals who are incarcerated who,  
21 you know, don't have the ability to vote but may  
22 not be registered or are registered?

23 CHAIRMAN LINARES: Can we pass the microphone?

24 MR. KAZMI: I'm wondering because what's sad



1 about this is it's even greater, it's worse than  
2 what we think it is. So if that's the case, I'm  
3 just asking, does this 35 percent include those who  
4 are incarcerated as well?

5 MR. THOMAS: Based upon my information, I do  
6 not know, but I can find that out. From what --  
7 it's my understanding it does not include the  
8 incarcerated.

9 MR. KAZMI: I didn't think so, too.

10 MR. THOMAS: But I'll confirm that.

11 CHAIRMAN LINARES: Other questions?

12 Mr. Nevels?

13 MR. NEVELS: This is a -- so this is kind of an  
14 observation and a question. So as I've been  
15 sitting here listening to testimony from a number  
16 of different organizations that represent varying  
17 groups that all come at voting with a different  
18 lens, there's some overlap of interest.

19 I guess my question, is there space where  
20 all these various groups get together to discuss  
21 voter protection, voter registration for their  
22 particular interest group and then identify ways to  
23 collaborate moving legislation forward which would  
24 be comprehensive -- I'm talking maybe state



1 legislation -- that's comprehensive and would offer  
2 protection across these different interest groups?

3 MR. DIAZ: I guess I'll make a plug for our  
4 coalition, the Just Democracy Illinois Coalition,  
5 which I believe includes several panelists today is  
6 a collaborative between different interest groups  
7 whether it be public policy or constituent  
8 services, and there is a table that inspires  
9 collaboration across these different organizations;  
10 and it is actually this Coalition that did a lot of  
11 the leg work to advance on-line voter registration  
12 in 2013, election day registration in 2014 and is,  
13 today, leading the campaign to win automatic voter  
14 registration in Illinois.

15 CHAIRMAN LINARES: Ms. Buys?

16 MS. BUYS: So as Ms. Jansen said, the need for  
17 better training of election judges is a common  
18 theme, and so I'm wondering if anyone on the panel  
19 can tell us a little bit more about how election  
20 judges are trained. Is that done on a statewide  
21 level? Is that done at a local level? Who funds  
22 it, that sort of thing?

23 MS. SCHAAFSMA: I think one of the issues in  
24 Illinois that we really could have a better look



1 at, right now there are more than 110 election  
2 jurisdictions in Illinois, and while they are  
3 subject universally to the state election laws,  
4 there is I think a lack of central authority on how  
5 those laws get -- and processes get implemented.

6 So, for example, every jurisdiction has  
7 the authority to select voting equipment of their  
8 choice. Every jurisdiction can set the hours and  
9 time, length of time for early voting. And I think  
10 that is -- and so each jurisdiction then by  
11 extension also does its own election judge  
12 training. And I see that Mr. Orr is already in the  
13 audience with us and representing Cook County  
14 probably can say how Cook County does it.

15 But I think an overarching issue here is  
16 the lack of funding. So that election judges in  
17 some places are trained only once, so there's not a  
18 retraining process; and I think that because of  
19 budget constraints, there are things that could  
20 happen that aren't happening because of that. And  
21 as the laws rapidly change and as some things get  
22 replaced with other things, there's some confusion  
23 at the polls.

24 I think that there is a whole



1 constellation of issues that are affected here.

2 One of the issues that I raised, what happens when  
3 there are more -- when there's more than one or  
4 several precincts in the same polling place.

5 I had experience with that not so long ago  
6 where I was given the wrong ballot, and because I  
7 work for the League of Women Voters, I knew it was  
8 the wrong ballot. I'm not sure how many voters are  
9 really -- and it's not because they're not  
10 sophisticated. It's just that they're not engaged  
11 for all the numbers of reasons that we've heard.  
12 And the election judge said to me, well, it really  
13 doesn't matter because that person is going to win  
14 anyway. And to sort of have that value judgment  
15 raised -- and I was horrified. I said, no, I don't  
16 want this ballot. I want the ballot to which I'm  
17 entitled. And she was like, oh, this is just going  
18 to be extra work for me.

19 And I understand that and I have total  
20 sympathy with it and I have total sympathy with  
21 election jurisdictions that are challenged by this;  
22 but at the end of this day, voting is a fundamental  
23 right, and the erosion on people's ability to  
24 access voting, to have information about voting





1 should be paramount because there are so many other  
2 pressures on us that tamp back and suppress the  
3 vote. And so I think election judge training is  
4 really at the top of the list.

5 MR. THOMAS: Can I add to that? Not only is  
6 that an issue with respect to election judges, but  
7 there are some parts of our state where there are  
8 certain cities and municipalities that are in  
9 different counties, and that also impacts voter  
10 information with respect to where they should go  
11 vote for early voting.

12 I know where I live, I live in Aurora, and  
13 Aurora is in four different counties. We're in  
14 Kane, DuPage, Kendall, and a portion of Will; and  
15 then depending on where you live in that community,  
16 if you early vote, you have to go to either the  
17 Will County Clerk's office or the Kane County  
18 Clerk's office, and sometimes that's not explained  
19 to voters in a way that they fully understand.

20 There's also municipal elections where the  
21 Aurora Election Commission governs versus the Kane  
22 County, which is also true in Naperville. So I  
23 can't speak to Cook County or Chicago particularly  
24 -- same issue?



1 MR. KAZMI: Yes.

2 MR. THOMAS: This is confusing to us. This is  
3 confusing sometimes for election officials because  
4 sometimes voters are told to go to the wrong place  
5 to go early vote or to register to vote or to  
6 change their voter registration information.

7 It's something that I think we need to  
8 look at as a state because there's just a lot of  
9 overlap and confusion.

10 CHAIRMAN LINARES: Ms. Jansen wanted to answer  
11 something.

12 MS. JANSEN: One thing I wanted to add was when  
13 you talk about increasing and improving election  
14 judge training, I think, you know, a part of that  
15 is finding a way to recruit and attract new people  
16 to serve as election judges. Because I will tell  
17 you from personal experience and having been an  
18 election judge that frequently the people who are  
19 election judges have done it for many, many years  
20 and have done it a certain way for many, many years  
21 and aren't necessarily amenable to change.

22 And so I think it really behooves us as  
23 part of that effort to look at ways that we can  
24 really make people interested and willing to be



1 engaged and invest the time on election day to  
2 spend working as an election judge. I think that  
3 would be helpful as well.

4 CHAIRMAN LINARES: Thank you for those  
5 comments. Mr. Cobb had a question.

6 MR. COBB: Good afternoon. Thank you all for  
7 your testimony. So I want to go in a slightly  
8 different direction because we've heard part of it  
9 today about access, and we heard some this morning  
10 about prison gerrymandering and redistricting,  
11 really some great topics, but there are a couple of  
12 things that came up from a few of the comments that  
13 I want to go over about tabulation of provisional  
14 ballots and the actual counting of the votes once  
15 they're in.

16 So I'm curious, have the recent changes  
17 and same day voter registration had any impact on  
18 maybe an increase or decrease in provisional  
19 ballots or any additional concerns that ballots  
20 aren't being appropriately tabulated and counted?  
21 So if any of you wants to speak to that, I'd  
22 appreciate it.

23 MS. SCHAAFSMA: We at the League share that  
24 concern because we have heard anecdotally that



1 provisional ballots are not counted and that  
2 they're packed up in boxes and put on a shelf  
3 somewhere. There's also -- and I don't know if  
4 same day registration has made that essentially  
5 obsolete.

6 I think part of the reason why provisional  
7 ballots are so confusing is that election judges  
8 aren't aware of all of the options for which they  
9 should be provided. It's my understanding that  
10 sometimes an election judge will take the  
11 provisional ballot. Other times they will send the  
12 person to where they think the precinct is. And I  
13 know there's been a lot of confusion around that  
14 with all of these precinct location changes is that  
15 information about where to go to vote is not made  
16 available at the first -- the first place where a  
17 voter goes, and we hear stories.

18 Again, one of the things I think that all  
19 of us would like to see is an evaluation of some of  
20 these voting processes. And I'm not sure there's  
21 been any statewide work done to say what happens in  
22 Cook County is one thing, what happens in  
23 Adams County or what happens in some of these  
24 smaller counties in terms of how provisional



1 ballots are used, I have not seen any statistic on  
2 that, and I would be really happy to see that.

3 Because if people go into a voting place  
4 and they are given a provisional ballot, I would  
5 assume if I were that voter that when I leave the  
6 precinct that my vote is going to be counted. And  
7 if it is true that those votes aren't counted for  
8 whatever reasons -- and, again, I think the  
9 overarch here is a lack of resources that's made  
10 available in an increasingly worsening environment  
11 where we can't fund basic services. Again, voting  
12 is so fundamental that that should receive a  
13 priority and I don't think that it does.

14 I mean, we could opine for a while on some  
15 of the reasons, and I think it could take us, you  
16 know, two days to sort of share what we think some  
17 of those reasons are for why some of these basic  
18 services may be underfunded or lack of education of  
19 the people who administer the programs.

20 MS. LEGENZA: So I would just add in this last  
21 election, I think there was confusion caused by a  
22 court challenge for the same day registration law.  
23 So that it's on the books, but then it was  
24 challenged, and it was unclear whether it was going



1 forward, and then the 7th Circuit stayed -- allowed  
2 it to go forth in this election.

3 So as you investigate this, I think that  
4 the status of the law in courts cause perhaps some  
5 confusion on the part of election officials and the  
6 election judges, and the fact that we have 110  
7 different jurisdictions and kind of what's going  
8 on. So I would add that kind of piece of history.

9 CHAIRMAN LINARES: Ms. Rodriguez had a  
10 question.

11 MS. RODRIGUEZ: I think what's become evident  
12 at least for me to this conversation is the  
13 importance of training election judges to ensure  
14 that there is an accessibility through all groups  
15 that you represent.

16 Mr. Diaz, you mentioned the rights of the  
17 Millennial block, the voting block, but I'm curious  
18 if anyone can answer in terms of the efforts  
19 through your agencies to ensure there's, indeed,  
20 that engagement piece to train a new Millennial  
21 population to become election judges to be aware of  
22 these issues that are coming up. So if you could  
23 speak to those efforts.

24 MR. DIAZ: I'm not extremely familiar with the



1 program, but I do know that Mikva Challenge does  
2 recruit high school students from Chicago Public  
3 Schools and trains them to be election judges and  
4 to work at polling booths on election day. That  
5 seems to be a really great program. That is  
6 definitely promoting civic education among young  
7 people, and I think at the same time building young  
8 leaders that can be ambassadors in their  
9 communities and schools and for their families to  
10 orient people as to how they can cast a ballot and  
11 what their rights are.

12 I do think there is an opportunity to  
13 increase or to expand that program to include  
14 students at the City Colleges of Chicago, and that  
15 would be a really exciting project to see come to  
16 life in the future.

17 MR. THOMAS: I can tell you that in light of,  
18 as I look around at this partisan crowd here today,  
19 but in light of the election results from  
20 November 8th, there has been increased numbers of  
21 participants attending our local branch meetings of  
22 the NAACP. I can tell you that my friends in  
23 partisan politics have told me that at their  
24 monthly meetings there have been places where



1 there's no seats available because people are  
2 coming to the local Democratic Party meeting.

3 And so those organizations are trying to  
4 channel efforts to get people engaged and find  
5 instructive ways for them to participate, including  
6 becoming deputy registrars, election judges, and so  
7 forth. This is happening not just in Cook County,  
8 but I can tell you it's happening in Naperville. A  
9 friend of mine who is chair of the Democratic Party  
10 in Naperville just told me a few days ago that in  
11 their meeting, they had over 200 people in their  
12 meeting. They never get that kind of turnout,  
13 because people are looking for ways to participate  
14 in the political process.

15 MS. SCHAAFSMA: I just wanted to add one thing  
16 to this. For the longest time, Illinois did not  
17 require civics in its curriculum; and, recently, I  
18 guess it was maybe two years ago, the Illinois  
19 General Assembly and Governor Rauner signed into  
20 law a requirement that there be a stand-alone  
21 civics course in high school that in order to  
22 graduate, you have to take this stand-alone civics  
23 course.

24 I applaud that effort, and I think part of





1 what we do now is to go back to those generations  
2 of people who didn't have civics to reintroduce  
3 them to civics because I think the way in which our  
4 government works is really important and can help  
5 people to vote, to run for office and do all those  
6 important civic engagement issues.

7 So on that score, I think Illinois did us  
8 all a great favor. And I think organizations like  
9 Mikva Challenge should be heralded. The League  
10 works a lot with suburban high schools to do mock  
11 elections in anticipation.

12 I mean, it would be interesting I think to  
13 do some kind of study that would look at those  
14 kids, those young people who engaged at that level  
15 in high school and see how their habits of voting  
16 go into the future as they vote because there's a  
17 big gap then in between that and the next step.

18 CHAIRMAN LINARES: Any questions? Mr. Kazmi?

19 MR. KAZMI: Ms. Jansen, just for data purposes,  
20 you said less than 30 percent of polling places in  
21 America were fully accessible. Do you have a data  
22 point for Illinois and Chicago or an estimated?

23 MS. JANSEN: I do not. I do not. And I'm not  
24 sure if that's available. But I would be happy to



1 do a little extra inquiry and provide it to you.

2 MR. KAZMI: If you don't mind, would you?

3 MS. JANSEN: I would be happy to.

4 CHAIRMAN LINARES: Other questions? I will  
5 field a question if you don't mind. This is for  
6 Ms. Legenza. It is more of a clarification for my  
7 own notes. The 259,484 number that you informed us  
8 about, is that households or individuals in  
9 Illinois?

10 MS. LEGENZA: I believe that's individuals.

11 CHAIRMAN LINARES: Then my follow-up is, is the  
12 prominent issue here with regards to the voting  
13 issue, is that with regards to the fact of address?  
14 What is the connecting issue here?

15 MS. LEGENZA: I think that's what it is. I  
16 think that people don't realize that they can  
17 register to vote even though they may not have a  
18 permanent address because so much of voting and  
19 where you vote kind of falls on -- and who you vote  
20 for falls on where you live, right; and people who  
21 don't have permanent housing, I think that they  
22 think that perhaps they're not entitled then to  
23 vote for some reason.

24 And then so the fact that they can and



1 it's enacted in Illinois law, it's really a matter  
2 of greater education. And then the operational  
3 issues that we talked about is making sure that  
4 everyone understands how that works once there is a  
5 permanent -- or an accepting mail address is maybe  
6 the best way to put it, whether it's a shelter or a  
7 friend's house or something like that.

8 CHAIRMAN LINARES: Thank you. Any further  
9 questions from the Committee? No? We have just a  
10 few minutes left. I will open it up to you  
11 panelists if there's anyone who wants to give a  
12 concluding thought, you can do that now.

13 With that then, we thank you for your  
14 testimony, each one of you, Ms. Jansen,  
15 Ms. Legenza, Mr. Diaz, Mr. Thomas, and  
16 Ms. Schaafsma. We appreciate you coming out today.  
17 We'll have a report written up in the next several  
18 months here which we'll, of course, share with you,  
19 but thanks again. The session is closed. We'll  
20 convene again in 15 minutes.

21 (Off the record at 2:42 p.m.)

22 (On the record at 3:01 p.m.)

23 CHAIRMAN LINARES: We are back in session.  
24 Thank you everyone for returning. We are here for



1 our final panel of the day, and we are thankful for  
2 our guest panelists for being here with us today.

3 I'm going to summarize a few of the rules  
4 that we have here, and they are, each speaker will  
5 have 12 minutes maximum to give your testimony or  
6 presentation which we very much appreciate, and I  
7 will be keeping time here. At that point, we will  
8 have a question and answer session with the  
9 panelists, with yourselves and this table. Each of  
10 the Committee members will have one question and  
11 one follow-up unless, of course, there's time left  
12 afterwards and then we'll make an amendment to that  
13 rule.

14 Also, the Chair has a prerogative that if  
15 there are any degrading comments or any comments  
16 that go beyond the scope of what we're discussing  
17 today that we will redirect the comments; but we  
18 have not had that issue and we don't expect to have  
19 that issue here today.

20 So with that, we thank you for being here.  
21 If I can introduce each one of you. First, we have  
22 Mr. Brent Davis with the Illinois State Board of  
23 Elections. Thank you for being here, sir. We have  
24 Mr. David Orr, the Cook County Clerk. Thank you



1 for being here. And we have Ms. Karyn Bass Ehler  
2 with the Civil Rights Bureau of the Office of the  
3 Illinois Attorney General. Thank you for being  
4 here.

5 With that, we'll start to your right with  
6 Mr. Davis. You have 12 minutes, and the microphone  
7 is yours.

8 MR. DAVIS: Thank you guys for having me. I  
9 appreciate the opportunity to be here. I'm the  
10 Director of Election Operations for the State Board  
11 of Elections and my -- the division that I'm in  
12 charge of is responsible for the training program  
13 for election judges today.

14 I was asked to give an overview of the  
15 training program that we do offer to election  
16 judges. And walking in on the last segment, I did  
17 hear several comments, so it seems like it must  
18 have been of interest. So I am happy to entertain  
19 any questions.

20 Basically the goal for the State Board of  
21 Elections is to provide training in jurisdictions  
22 where they do not have resources to conduct the  
23 training themselves whether they don't have the  
24 presentation equipment or whatever the resources



1 may be.

2 In the 2016 general election, we conducted  
3 the training for 51 of the 109 jurisdictions in the  
4 state. So not quite half of them. Most of these  
5 jurisdictions are the smaller jurisdictions, again,  
6 that don't have the resources; and we don't have  
7 the resources to do it for the larger  
8 jurisdictions. Most of those are conducted by  
9 themselves.

10 Our presentation for election judges, it  
11 does vary from jurisdiction to jurisdiction just  
12 because of the nature of Illinois elections and the  
13 nature of the election authority having the  
14 authority board for each individual jurisdiction.  
15 A lot of times the equipment is going to vary from  
16 jurisdiction to jurisdiction. The procedures will  
17 sometimes vary based upon how the local county  
18 clerk or director of elections would be running  
19 that election.

20 But, basically, the first thing that our  
21 presentation focuses on is the basic procedures for  
22 getting the election -- the polling place set up,  
23 what comes in during the voting day, how to handle  
24 individual voters, the different affidavits that



1 they use, that sort of information, and then  
2 closing down the polls after 7 o'clock when the  
3 polls close.

4 In addition to that, one of our main  
5 focuses for -- at least of recent for helping  
6 election judges understand what their role is is  
7 there is an option for virtually every voter that  
8 comes to the polling place or that wants to vote on  
9 election day because of all the safeguards that are  
10 in Illinois elections, whether that be -- if  
11 someone has moved or if they have changed their  
12 name, most of the time they can vote right then and  
13 there simply by completing an affidavit; and we  
14 emphasize the importance of those judges  
15 understanding those affidavits, how to complete  
16 them to update the records for the county clerk's  
17 office.

18 In addition to that, we have grace period  
19 registration on election day. So that further will  
20 take just about any eligible Illinois citizen who  
21 is eligible to vote, can get registered on election  
22 day. Many of them are available in the polling  
23 place depending upon the jurisdiction, and if  
24 they're not available in the polling place, they



1 are available at a localized center maybe within  
2 the municipality or, at a minimum, at the County  
3 Clerk's office, and that again is dependent on the  
4 jurisdiction size.

5 The last option to make sure that we don't  
6 send anyone home without being able to exercise the  
7 right to vote is the provisional vote. And this is  
8 sort of a last chance option for when we can't come  
9 to a conclusion for that voter if they are  
10 eligible. Maybe we can't find the registration.  
11 Maybe they come in and they want to register to  
12 vote, but they didn't bring their two forms of ID  
13 which is required for registering to vote. There's  
14 several different circumstances in which they would  
15 use a provisional. And the election judges are  
16 trained on the importance of offering that and  
17 that, again, we don't send anyone home without  
18 having a plan in place or a solution for every  
19 single person, whether it be re-registering, voting  
20 provisionally, going to the correct polling place.  
21 Because if they are in the incorrect polling place,  
22 that polling place won't necessarily have their  
23 correct ballot style, and those votes would not be  
24 counted for offices that they were not eligible to





1 vote on.

2 In addition to those options as far as  
3 making sure that everyone is eligible to vote,  
4 there are also options for voters with  
5 disabilities. So anyone who has a disability that  
6 impairs their ability to mark the ballot has  
7 several options available to them in order to vote,  
8 and the election judges are trained on those  
9 options, the first of which are ADA-compliant  
10 machines, the voting machines. You've all seen the  
11 touch screen devices. Those machines also have  
12 head phones on them where they will read the ballot  
13 to the voter, read the different offices, the  
14 different candidates. So someone who has a visual  
15 impairment or cannot read or write the English  
16 language can have that ballot read to them, and  
17 they can either use the touch screen or the key pad  
18 device to navigate through the ballot and make  
19 their selections. So the judges are trained on  
20 that as well.

21 In addition to that, they are trained on  
22 the options for -- if the voter is intimidated by  
23 electronic equipment and they don't want to use  
24 that electronic equipment, which happens very



1 frequently, and they want to take a friend or  
2 relative into the voting booth with them, they have  
3 that option as well. The election judges are  
4 trained on allowing for a friend or relative or, if  
5 they don't have someone with them, two election  
6 judges, one of each party, can go into that voting  
7 booth with them and assist them in voting.

8           They are also taught the importance of the  
9 voter assistance affidavit. So in the case that  
10 someone does go into the voting booth with that  
11 voter, they are required to complete an affidavit  
12 of assistance where the voter declares that they do  
13 need assistance, that they do actually need someone  
14 to go in there with them, and that the person  
15 providing assistance is going to mark that ballot  
16 in accordance with the voter's wishes and not try  
17 to influence their vote.

18           In addition to those election judges,  
19 another area of emphasis are the different ballot  
20 styles that the election judges are using on  
21 election day. One of the biggest complaints that  
22 at least our office gets after the election is a  
23 voter claiming that they received the wrong ballot  
24 style. And so this again is reiterated at every



1 training, at least the trainings that we provide.  
2 I can't speak for the ones that conduct it  
3 themselves, but the importance of understanding  
4 what those ballot styles are, how important they  
5 are to that voter that they're voting on the right  
6 representatives and the right districts that they  
7 live in, and understanding just how to determine  
8 the correct ballot to give to the voter. It's a  
9 very simple process. It's not a complicated  
10 matter. And so they simply have to pay attention  
11 to what is listed on that voter's application to  
12 vote.

13           The campaign-free zone is another area  
14 that we focus on. This is more important in some  
15 areas of the state than it is in others, but any  
16 campaigning inside the campaign-free zone is  
17 prohibited on election day. This area includes  
18 basically the polling place itself as well as the  
19 100 feet extending to the entrance of the polling  
20 place. The judges are trained on what can and  
21 cannot be done, what does constitute  
22 electioneering, what doesn't constitute  
23 electioneering. So anyone coming in with any  
24 campaign materials, any sort of hats, any sort of



1 -- any of that material, the election judges are  
2 instructed to make sure that those people leave or  
3 remove that, are not electioneering in the polling  
4 place.

5 I was also asked to mention some of the  
6 challenges that we encounter. There are lots of  
7 challenges, and I think you probably heard about  
8 some of them in the last panel. I can echo some of  
9 those same challenges. A lot of them -- the fact  
10 that we have over 50,000 election judges in the  
11 state, you're working with a lot of different  
12 personalities. You have a lot of people that are  
13 stubborn or that have -- that are very set in their  
14 ways. They have been an election judge for  
15 25 years and they don't want to change the way that  
16 they're doing it now. So it is very difficult to  
17 identify those people and also to help them  
18 understand the importance of following election  
19 law.

20 The party appointment system is there for  
21 a reason. Unfortunately, a lot of parties do not  
22 actively participate in recruiting election judges  
23 so that -- you know, we have Democrat judges,  
24 Republican judges there for a reason, and most of



1 the time the county clerks are the ones out there  
2 recruiting those judges. So it's not the actual  
3 party system that is recruiting those judges.  
4 They're not actively engaged in it.

5 Funding. Our funding. All of our  
6 equipment is breaking down and we can't afford to  
7 buy new equipment. Funding for election judges,  
8 you know, some places where they can pay judges  
9 well, it's not nearly as hard to recruit judges.  
10 However, when you have a very small county where  
11 that county bears the burden of paying those  
12 election judges and they're only paying them a  
13 hundred dollars, you're going to find it hard to  
14 convince someone to work a 13-, 14-hour day when  
15 you're only paying them a hundred dollars. It's  
16 not worth it for them to take a day off work or  
17 what have you.

18 And another final one, and I will wrap  
19 this up, a lot of the new mandates that are great  
20 for helping voters are very intimidating to  
21 election authorities because many of the older  
22 generation, it's hard for them to learn something  
23 new and to adapt to that and incorporate that into  
24 election day.



1 And with that, I will conclude.

2 CHAIRMAN LINARES: Thank you, Mr. Davis.

3 Mr. Orr, you have the microphone. You have  
4 12 minutes.

5 MR. ORR: Thank you. I really appreciate that  
6 you're doing this. I think it's a good exercise.  
7 I was delighted to hear the panel before me, and  
8 I'm going to say one thing on that real quickly.  
9 When it comes to suggestions about training of  
10 judges and getting new judges, number one, one of  
11 the best things we ever did is the Teen Judge  
12 Program. We have thousands and thousands of young  
13 people that know the technology. They're very  
14 good.

15 If we want to have all these problems go  
16 away, we do one simple thing: we make election day  
17 a holiday or we have the schools closed. If you  
18 are in Chicago, you have a hundred thousand  
19 administrators, teachers in the Cook County area  
20 and there would be a lot of good judges.

21 Now I'm going to follow my notes a little  
22 bit because as a long-time politician, I don't want  
23 to ramble too much. So I have been in this office  
24 since 1990. Before that, the City Council for 12



1 years; as a professor before; and now at the Harris  
2 School of Public Policy. I've been involved in  
3 voting right issues all that time.

4 So we're discussing policy, laws, actions  
5 in Illinois that create --

6 CHAIRMAN LINARES: Mr. Orr, I'm being told to  
7 use the microphone.

8 MR. ORR: Is that better for those that want to  
9 listen?

10 We're discussing policies that create a  
11 dispirit impact on certain communities in our  
12 electoral system which affects voting, voter  
13 registration, counting the votes, and access to  
14 very important information.

15 I also want to discuss the flip side of  
16 this, some of those things that have helped to  
17 maximize access to voters throughout the state.

18 To ensure good government, a strong  
19 democracy, we must support rules and laws that  
20 serve all populations. Unfortunately, there is a  
21 constant battle in our society to pass laws that  
22 hurt certain populations. Some are intentional.  
23 Some perhaps are not. There are many examples of  
24 people making it difficult to go out and vote.



1 I'll give you a couple quick examples before I get  
2 to the heart of what I'm going to talk about. And  
3 by the way, these examples come from people in both  
4 parties.

5 Take Cicero, for example. For a long  
6 time, Cicero was arresting people trying to  
7 register voters. The police were hassling them,  
8 where's your permit? You obviously didn't need a  
9 permit. It's just kind of one example of things  
10 that can happen.

11 Take something else. The famous 2000  
12 election in which people saw some of the weaknesses  
13 of the punch card system. In that election, we  
14 discovered that there was a dispirit impact  
15 particularly on minority voters, what they call a  
16 fall off in the ballot. There was not a large  
17 percentage, but more minority folks who didn't vote  
18 for president than nonminority. Okay.

19 So we went about finding a way to solve  
20 that. We discovered -- we got error detection  
21 equipment, all set to implement it, and a certain  
22 famous senator, head of the Republican Senate, I  
23 won't mention his name, he blocked it. He said we  
24 ain't going to do nothing for Cook County, even





1    though in Illinois other counties had error  
2    protection devices at the time.  Now, fortunately,  
3    the Court didn't see it that way and we finally got  
4    that.

5           Or take the issue of police.  Police in  
6    suburban Cook, we do not have police at our polling  
7    places unless we need them.  But in our local  
8    elections, sometimes mayors will try and use police  
9    as an intimidation instrument.  Again back to  
10   Cicero.  I love to pick on Cicero.  Recently, they  
11   hired about 60 or 70 off-duty Chicago cops with  
12   guns displayed and they put them in all the polling  
13   places without any credentials, and it took us  
14   about four or five hours to get them all out of the  
15   polling places.

16           Let me jump now to a much larger  
17   historical issue in Illinois that could have had a  
18   much more profound dispirit impact on certain  
19   communities, and that is Motor Voter.  I was proud  
20   to be active in that fight, supporting Motor Voter,  
21   what we call NVRA back in the early '90s.  I think  
22   most of us now know, it was and is a much easier  
23   way for the vast majority of people to register to  
24   vote.  It was cheaper than existing methods and



1 safer because people were coming to register right  
2 in front of government officials, not at a deputy  
3 registrar that may or may not be legit.

4 So that law was passed. The Illinois  
5 governor at that time, Edgar, refused to obey the  
6 federal law. So the federal courts had to step in  
7 and force him to which meant a lot of money spent  
8 and several months of delay, but the courts ordered  
9 him to do that. But the Governor refused and  
10 attempted to get around the federal court order by  
11 using a "two-tier system" that made voting  
12 separate. In other words, if you used the Motor  
13 Voter, that would qualify you for voting for  
14 federal law, federal elections, but you'll have to  
15 register a second time for state and local  
16 elections.

17 Well, obviously, we thought that was  
18 terrible, and myself and others, along with the  
19 League of Women Voters, went to court and again won  
20 in court. So the Governor was forced to implement  
21 the law as was intended and, today, millions each  
22 year get registered this way.

23 On the brighter side, Illinois has been a  
24 leader in ensuring greater access to voter



1 registration and voting. Let me just give a quick  
2 example. I'm not going to talk about them but  
3 things that I really believe have helped on things  
4 we don't talk about. Of course, early voting  
5 which, remember, I introduced that in Illinois for  
6 one simple reason: we vote on a workday; only two  
7 major nations in the world that vote on a workday.  
8 So early voting. I believe it's worked. Voting by  
9 mail for everyone. On-line voter registration.  
10 Big, big success. On-line mail ballot  
11 applications. Since everyone can vote by mail now,  
12 now they can get their application on line. And  
13 the Teen Judge Program for the reasons I mentioned  
14 before.

15 But, again, even good actions can be  
16 misused. Take one example. Take early voting.  
17 Most of us I think would agree it's a good thing,  
18 but when a county here in Illinois a few years back  
19 refused to put in an early voting site in one of  
20 the largest cities in the county that happened to  
21 be mostly African-American -- there was no rule in  
22 that, in state law -- the legislature stepped in  
23 and passed a law requiring that that particular  
24 clerk had to do that.



1           There's other cases like that where,  
2           unfortunately, partisan advantage gets in the way  
3           of implementing what is otherwise a good law.

4           Now let me turn to the main thing that I  
5           wanted to talk about today, and that is a few years  
6           go, to try and really make a dent in voter  
7           registration, to really improve the way we keep the  
8           records, calling something a voter registration  
9           renaissance, this thing called All In that's up on  
10          the screen. It's premised upon three key points.

11          So the first prong is using government  
12          transactions to register eligible voters and update  
13          their addresses. We all know that's terribly  
14          important. Almost everyone regularly gives the  
15          government their address, personal information for  
16          their ID or license plate, receive a benefit or to  
17          pay taxes.

18          The second prong is through requiring  
19          state agencies to share data with each other with  
20          election officials and with other states in order  
21          to eliminate outdated registrations.

22          And, finally, what I call the third prong  
23          is by offering election day registration as a  
24          backstop for those eligible voters that we don't



1 capture in points one and two.

2 We're making a lot of progress,  
3 fortunately, with the State Board of Elections and  
4 others, but we're still not quite there yet.

5 Now it sounds completely fair and neutral,  
6 for example, to have one registration rule that  
7 says, you have to re-register when you vote --  
8 excuse me, when you move. But let me -- let's say  
9 the rule was a little different, okay. Wealthy  
10 people must register every eight years, okay;  
11 middle class, every four years; poor, every two  
12 years; and 18- to 24-year-olds, every year. I  
13 don't think you think that's fair. But it shows  
14 that the same rule can have a dispirit impact on  
15 our populations, and that's the heart of what we  
16 have to talk about here.

17 Our duty as government officials and  
18 policymakers is to understand the purpose of these  
19 rules, in this case, accurate voter registration  
20 records, and see if we can get that as simple as  
21 possible and has a smallest dispirit impact on our  
22 population. Therefore, two years ago, we began the  
23 big push along with the wonderful groups that you  
24 heard before for AVR, automatic voter registration.



1 This was to be the fulfillment of the first prong.

2 We know that AVR would dramatically clean  
3 the list. Voters would not have to worry about  
4 re-registering every time they moved. The current  
5 system is inefficient and inconvenient. AVR would  
6 get us closer to the point where voters would know  
7 that registration was current and administrators  
8 would have more accurate voting registration  
9 information.

10 If anyone doubts how important the current  
11 registration -- that there is dispirit impact, look  
12 at the following numbers. We live in a mobile  
13 society. In 2015, more than 13 percent of  
14 Illinoisans, nearly 1.7 million people, moved.  
15 Okay. Jumping down to income, for example, if  
16 you're below the 100 percent poverty line, you're  
17 more than twice as likely to move. By race,  
18 African-Americans move 43 -- no, they move twice as  
19 often as whites. I could go on with other numbers.  
20 It's up on here.

21 The bottom line is whether it's  
22 minorities, poor people, renters, there is a very  
23 significant difference in their mobility. That  
24 means a so-called fair system we have today makes



1 it much harder for them; therefore, dispirit  
2 impact. We can solve all that with AVR.

3 It did pass the legislature with the  
4 Republicans votes as well up on the board; but,  
5 unfortunately, the Governor vetoed the bill. It is  
6 being reintroduced, and we hope that working with  
7 both parties we can actually pass that.

8 The second prong is data sharing. Sharing  
9 data is critical. We're now members of ERIC which  
10 is very important because ERIC compares voter  
11 information across state lines by looking at  
12 driver's license data, SSI, change of address.  
13 This is so important. Here's where we get tons of  
14 information.

15 For example, from the data we now know  
16 about, last August, we knew 34,000 people deceased  
17 just in Cook County alone. Okay. 34,000, I think  
18 that's statewide actually. The problem is, as Cook  
19 County Clerk, I know when people die in Cook  
20 County, but some people have the nerve to die in  
21 other counties and other states and don't tell us.  
22 So there's thousands of people.

23 More than 60,000 below that move within  
24 the county, move within the state. 90,000 people



1 register twice. With frankly a snap of our  
2 fingers, we can correct all that. So it's all  
3 within our reach if we could just move ahead.  
4 These numbers are great because we get all this  
5 information from other states.

6 The third prong is basically EDR, election  
7 day registration. We've talked about it. It  
8 worked very well. More than a hundred thousand  
9 people who had been turned away from the polls.  
10 And it was fairly seamless. In suburban Cook  
11 County, we had no problems with election day  
12 registration.

13 Just a word quickly on languages. We have  
14 something up there, very quickly. I'm jumping  
15 ahead because we're about out of time. But working  
16 with again the various communities, we have a lot  
17 of things we do in various communities, going  
18 beyond what the law requires. If you have  
19 questions, we can talk about that.

20 And in the last second or so that I've  
21 got, there's a lot of things that we're doing which  
22 are good to make voting more accessible,  
23 registration a little easier; but I do want to  
24 mention, even though we're not discussing it today,





1 if we don't deal with money and politics and the  
2 rise of voter suppression in this country, our  
3 fragile democracy will be gone. In my mind, it is  
4 that serious.

5 I thank you for the time. I do believe  
6 there's a lot of good stuff we can do.

7 CHAIRMAN LINARES: Thank you so much, Mr. Orr.

8 Ms. Ehler, the microphone is yours. You  
9 have 12 minutes.

10 MS. EHLER: Thank you so much and thank you to  
11 the panel for having us here today. On behalf of  
12 Attorney General Lisa Madigan, I would like to  
13 thank the Illinois Advisory Committee to the  
14 U.S. Commission on Civil Rights for convening this  
15 public meeting on this critical topic.

16 Voting rights are an essential civil  
17 right. I am Chief of the Civil Rights Bureau for  
18 the Office of the Illinois Attorney General; and,  
19 in that capacity, I am not the sole person involved  
20 in voting rights issues in our office. What you  
21 should know is that our entire office is involved  
22 in election mongering and voting rights. It is a  
23 bedrock of our state, of our democracy that  
24 individuals have access to the polls and access to



1 the ballot.

2 I am pleased to be sitting here on a panel  
3 alongside so many terrific public servants. It's  
4 an honor. And I just want to give a brief overview  
5 of what our office does so you understand our  
6 intersection here with this critical issue.

7 The Illinois Attorney General is the chief  
8 legal officer for the State of Illinois. In that  
9 role, we represent and defend state agencies in  
10 civil litigation and before the United States  
11 Supreme Court. We represent the people of the  
12 State of Illinois which means we have the authority  
13 and responsibility to represent the public  
14 interest.

15 Our office has over 400 lawyers making it  
16 the largest public interest law firm in the State  
17 of Illinois. In just 2016 alone, our office  
18 collected nearly a billion dollars in revenue for  
19 the State of Illinois through litigation and  
20 collection efforts.

21 The Attorney General's office performs a  
22 variety of work including civil litigation,  
23 appellate litigation, and, on occasion, criminal  
24 law enforcement; but the dominant portion of our



1 work is civil litigation. We work on consumer  
2 rights, antitrust suits, public utility matters,  
3 crime victims, environmental crimes, and relevant  
4 for today's discussion, civil rights.

5 Now our Civil Rights Bureau's mission is  
6 to protect the civil rights of all Illinois  
7 residents, including all rights existing under  
8 federal constitutional, state constitutional,  
9 statutory, administrative, and common law. We  
10 review and respond to constituent complaints  
11 involving civil rights issues and conduct  
12 investigations of discrimination in housing, public  
13 accommodations, employment, and financial matters;  
14 and, when necessary, we will litigate where a  
15 pattern and practice of discrimination is  
16 discovered, including voting rights.

17 The Bureau also monitors and advocates for  
18 legislation to strengthen current state and federal  
19 civil rights laws. For example, the Attorney  
20 General recently announced legislation to  
21 strengthen Illinois' statutes on hate crimes. That  
22 provides the Attorney General with enforcement  
23 authority to take action on behalf of the people of  
24 Illinois and ensures that all victims have the



1 ability to file a civil action for intimidation,  
2 stalking, and cyberstalking which are new realms of  
3 the hate crime territory.

4 Our Bureau also participates in community  
5 outreach programs across the state to educate  
6 individuals about their rights and their  
7 protection.

8 But as I discussed earlier, voting rights  
9 are as essential to civil rights -- are an  
10 essential part of civil rights as well which is why  
11 the Illinois Attorney General's office does so much  
12 to ensure those rights.

13 Each general election, the Attorney  
14 General's office believes that the ability to  
15 engage in the Democratic process is an essential  
16 civil right that needs protection. So our office  
17 protects that right in a variety of ways. In every  
18 statewide election, in some local municipal  
19 elections as well, we send out teams of attorneys  
20 and investigators throughout the State of Illinois.  
21 We fan out to all precincts across the state to  
22 monitor voting locations.

23 Under the Illinois Election Code, the  
24 Attorney General of Illinois is permitted to enter



1 and observe polling places to ensure that  
2 individuals have the ability to cast a vote. The  
3 goal of these monitors' work is to ensure the  
4 voting process is a fair, open, and legal election  
5 and that all voters' rights are protected.  
6 Monitors visit voting locations throughout each  
7 election day to ensure local election officials are  
8 properly verifying voters' identities and properly  
9 allowing individuals to vote without a driver's  
10 license.

11 what we often find when we go and monitor  
12 polling places is that sometimes election judges  
13 will say, well, it's just faster if you give me  
14 your driver's license; and we always have to remind  
15 them that just because it's faster doesn't mean  
16 that you have to ask for it or require it and you  
17 may, in fact, be intimidating others who come in,  
18 see a long line and everyone else holding out their  
19 driver's licenses. So don't ask for it and don't  
20 require it and don't give the impression that it is  
21 required.

22 Our teams also make sure that ballots are  
23 being properly collected and that electronic  
24 machines are working properly so that individuals



1 who want to use them are able.

2 Another goal that our teams have is to  
3 ensure polling locations are accessible to voters  
4 with disabilities by making sure that all entrances  
5 are accessible.

6 Finally, attorneys monitoring polling  
7 locations can report any allegations of voters  
8 being denied access to vote to the Attorney  
9 General's office. We maintain voter hot lines  
10 throughout the day, and we triage the complaints  
11 that come in. Sometimes we connect with the Cook  
12 County Clerk. Sometimes we connect with the State  
13 Board of Elections. We work very closely with the  
14 folks at the table and their offices and staff to  
15 make sure that each election goes as smoothly as  
16 possible.

17 In extreme cases, the Attorney General has  
18 asked the Court to intervene where it appears that  
19 individuals were denied the right to vote because  
20 of long lines or system malfunctions. For example,  
21 in 2014, the Attorney General filed an emergency  
22 injunction to keep certain polling locations open  
23 past 8 p.m. in Lake County when we learned that  
24 certain same day registration voting locations had



1 not opened as scheduled at 6 a.m.

2 when violations of the Election Code do  
3 occur, the Attorney General may request that the  
4 State's Attorney initiate proceedings to enforce  
5 any provision of the Election Code or to initiate a  
6 criminal prosecution with respect to a violation of  
7 the Election Code. And if the State's Attorney  
8 declines or does not act within 60 days, then the  
9 Attorney General can take the prosecution  
10 independently of the State's Attorney's office.

11 Our office also ensures that measures such  
12 as same day voter registration are effective and  
13 available to voters in Illinois. In 2014, as  
14 David Orr laid out, the Illinois legislature passed  
15 a law that allowed voters to register to vote on  
16 the same day as the election. Just before the  
17 presidential election in 2016, a lawsuit was filed  
18 to prevent it from going into effect. As defenders  
19 of the state law, we sought an emergency injunction  
20 from the federal 7th Circuit Court of Appeals to  
21 allow the law to go into effect and restore  
22 Illinois voters' legal rights to register to vote  
23 and cast their ballot at the same time in the last  
24 general election.



1           We also try to ensure that voters know  
2   their rights. While enforcement efforts are key to  
3   ensuring that our elections are fair and balanced,  
4   it is just as important that individuals understand  
5   their rights so they can know when they are being  
6   violated. Each election, we remind voters and  
7   local officials of these basic voting rights.  
8   Voters have the same right to register to vote and  
9   cast their vote at the same time. You do not need  
10   to show identification to cast your vote so long as  
11   your voter registration is active and you are in  
12   the correct precinct. The only time you're  
13   required to show registration is if your voter  
14   registration has lapsed and entered "inactive  
15   status"; and if the voter makes a mistake or spoils  
16   a paper ballot and the voter has not cast the  
17   ballot, the voter has the right to receive a  
18   replacement ballot.

19           No one is allowed to try to influence a  
20   voter within 100 feet of the polling place. If the  
21   voter cannot read, has trouble understanding  
22   English or has a disability, that voter has the  
23   right to request assistance from anyone other than  
24   his or her employer, an agent of his or her





1 employer or an officer or agent of his or her  
2 union.

3 I want to reiterate that the Attorney  
4 General's office and the Civil Rights Bureau is  
5 here as an available resource; and, like I said, we  
6 work closely with the folks at our table and many  
7 of the individuals who have been here today to  
8 ensure that each election is fair and that the  
9 access to the polls is open.

10 what I would encourage people to do is  
11 make sure you think of the Attorney General's  
12 office as a place where you can air certain  
13 grievances. You can file complaints with our  
14 office; and, again, we will triage those with the  
15 appropriate stakeholders or investigate them  
16 ourselves.

17 As I hope you've seen today and heard from  
18 my fellow members on the panel, our office is only  
19 one piece of this puzzle. And the recent  
20 accusations and actions by policymakers regarding  
21 the right to vote have shown the importance of all  
22 of us working in our official and unofficial  
23 capacities to ensure equal rights for all,  
24 including the use of the ballot box. Thank you.



1 CHAIRMAN LINARES: Thank you so much. And now  
2 we will open it up to questions from the Committee.  
3 Each Committee member will have one question plus a  
4 follow-up as mentioned before. So does anyone want  
5 to start the questions?

6 MS. BOHDZIEWICZ-BOROWIEC: I'm curious. This  
7 is a question to Mr. Davis. Is there any way to  
8 unify these -- you know, you said you train  
9 election judges in 110 jurisdictions and all that,  
10 that they're different. Is there a way to unify  
11 these regulations?

12 MR. DAVIS: In a short answer, I would say no  
13 just because of the way that Illinois elections are  
14 set up with the -- each election authority having  
15 more or less control over that jurisdiction and  
16 they have control over what kind of training  
17 program they're going to provide.

18 There are some statutory requirements that  
19 they do have to follow, but there is still a lot of  
20 discretion as far as what they do or don't do.

21 In addition to us providing training, we  
22 do offer to consult with jurisdictions if they want  
23 to provide their own training but want to review  
24 what we provide. We do offer that as well. And



1 we're looking into additional options in the future  
2 for providing like an on-line training or stuff of  
3 that where it would be more available to some  
4 citizens or some election judges who find it hard  
5 to attend an actual training session, you know.

6 Some jurisdictions may only have it one  
7 time. I conducted one on Tuesday in southern  
8 Illinois, one session for the county, but in that  
9 county, there was only like 20 election judges that  
10 showed up just because of how small it was.

11 But it would take legislation I believe to  
12 sort of unify that or stream line it across the  
13 state.

14 CHAIRMAN LINARES: Other questions?

15 Ms. Wortham?

16 MS. WORTHAM: Along the same lines, I don't  
17 understand the party appointment system. I live in  
18 Normal, Illinois, and I went to my polling place,  
19 and there's these nice ladies, and I wanted to be  
20 one of them. And so I asked, how do I go about  
21 joining you? They had forms that were right there  
22 for judges. Then it said you had to identify your  
23 party. I had begun writing my name and I saw that  
24 and I didn't want to do that. So they're not going



1 to get my participation at that level of civic  
2 engagement.

3           Could you -- I don't want you to educate  
4 me fully and take up a lot of time, but tell me  
5 where I can find out the history of this and why is  
6 it necessary? What's the rationale for it?

7           MR. DAVIS: Sure. I can give you the short  
8 version of it. The basic -- the premise behind the  
9 election judges being appointed by the two  
10 political parties is so that we have a balance in  
11 each polling place. And so if you have at least  
12 two or three judges of each party, then obviously  
13 they are there to represent their party's interest  
14 and if somebody else is, you know, conducting  
15 something illegally or inappropriately. And so  
16 that is the requirement.

17           The political parties, the local county  
18 chairman is supposed to provide a list of election  
19 judges for each precinct that basically they have  
20 recruited to the county clerk, but that most often  
21 doesn't actually happen and you have the county  
22 clerks themselves actively trying to recruit  
23 election judges which is why you saw forms in the  
24 polling place where they're trying to recruit



1 election judges.

2 MS. WORTHAM: But we only have two parties.

3 MR. DAVIS: The way it is in the state law, it  
4 is the two leading political parties that are the  
5 ones who appoint election judges.

6 MR. ORR: In other words, we're not going to be  
7 successful in changing that law. The two parties  
8 want to control. We worked with the League of  
9 women voters a while back to try and allow one  
10 judge to come from a nonpolitical background.

11 But we can solve your problem. Almost all  
12 the clerks will solve your problem. If we need  
13 10,000 judges, only 2500 are going to come from the  
14 committeemen, okay, because a lot of them don't  
15 know who to get. It's different than it used to  
16 be. So most of the county clerks will go around  
17 looking for people and they're looking for -- so it  
18 can be -- there's lot of League of Women Voters,  
19 people that serve as judges, but people do have to,  
20 by law, declare a party, and sometimes that causes  
21 confusion. Sometimes people say I don't care, and  
22 we'll say, well, we need a Republican, I don't  
23 care, I'll be a Republican, okay.

24 The only people that really care is if the



1 parties believe those people are pretending to be  
2 that same party and trying to do harm with it. But  
3 generally that's not a problem. In a place like  
4 suburban Cook where we can't find enough Democrats  
5 up in Barrington, if we have an extra Republican,  
6 they do fine. In Thornton, they can't get enough  
7 Republicans, we use an extra Democrat.

8 But there's ways to serve your purposes  
9 because most clerks will be able to find a way for  
10 people who are not necessarily picked by  
11 committeemen to be an election judge and we need  
12 them.

13 CHAIRMAN LINARES: Any other questions?

14 MS. BUYS: So you mentioned barriers to being  
15 election judges, and one of them is the idea that  
16 they have to be there all day long. Is that a  
17 requirement that they be there all day long? And  
18 why does that need to be a requirement? why can't  
19 you have them in shifts?

20 MR. ORR: well, there's nothing in the law that  
21 I believe would deny the shifts. The problem --  
22 think, at least on our part, the administration.  
23 If I had a small county, as most of our counties  
24 are with maybe 20,000 voters, I probably would do



1 that. I would say, if these two are willing, okay,  
2 fine, share the day, we'll train both of them.

3 I don't want to be responsible for all  
4 that -- it's hard for us to deal with 20,000  
5 judges, okay. So I don't want to deal with 40,000.

6 But other places around the country are  
7 trying to do that, and, of course, the more sane  
8 thing to do would be to make the day shorter, both  
9 on Saturday and Sunday, and then you got shorter  
10 hours.

11 That is the biggest single impediment to  
12 good judges who want to do the job. The day is too  
13 long. So we can't do that because of our size; but  
14 I have said to people, you want to split it, but  
15 only she gets the check, you got to split it. So  
16 for other smaller counties, they might be able to  
17 do that right now.

18 MR. DAVIS: There is a provision in the  
19 Election Code -- I don't know if this is working or  
20 not. The Election Code does have a specific  
21 provision that says that the election judge cannot  
22 adjourn before the polling place is -- I don't  
23 remember the terminology it uses, but basically  
24 they can't leave before the election day is



1 complete, done, and they're finished with all of  
2 their duties.

3 So it would take a legislative change for  
4 that, but there are obviously lots of --

5 MR. ORR: A lot of things we don't pay  
6 attention to.

7 MR. DAVIS: -- lots of complications that could  
8 potentially arise from people coming and going  
9 throughout the day. And people that sign in in the  
10 morning as election judges, we want a complete  
11 record of everything that has happened throughout  
12 the day, and that also helps with accountability to  
13 have the same people there throughout the day or,  
14 at least, that would be my thinking on it.

15 CHAIRMAN LINARES: You want to follow up?

16 MS. BUYS: So I was going to ask a follow-up  
17 question. With technology and on-line voting, do  
18 you see the need to have fewer election judges in  
19 the future if people could do it all on line?

20 MR. ORR: On line meaning?

21 MS. BUYS: I mean, would you be able to vote on  
22 line as well?

23 MR. ORR: Well, if you mean like voting from  
24 your home computer, I think that's a long way off.





1 And with recent things, not to mention Russia,  
2 et cetera, I think it's even further away off. We  
3 haven't cracked the security thing issue.

4 It's important to remember this. People  
5 say, well, the banks, I got hundreds of thousands  
6 of dollars. well, but the thing about the banks,  
7 they screw up or someone steals your stuff, the  
8 bank gives you the money back. With elections,  
9 it's one day. You screw up the one day, you can't  
10 do it again. You can't make it up.

11 So I don't think that's -- and there's  
12 some places in the world where they're trying it.  
13 It's a long way off. But there's other things like  
14 that that we're doing. For example, we're saving  
15 money by having fewer precincts because now we are  
16 reaching a point where maybe 30 to 35 percent of  
17 eligible voters, because of mail voting and early  
18 voting, are voting before election day.

19 That also means the election goes  
20 further -- the equipment goes further, okay, with  
21 how many touch screens you might have, et cetera.  
22 So it's working in the right direction. And I  
23 wouldn't be surprised in few years that you have a  
24 lot fewer polling places as more people vote



1 earlier.

2 So on line we can use for registering,  
3 getting your mail ballot, but because of security  
4 issues, I don't think that's -- you know, maybe ten  
5 years from now.

6 CHAIRMAN LINARES: Mr. Cobb has a question.

7 MR. COBB: Good afternoon. So throughout the  
8 day, we've heard pretty much on every panel some  
9 complaints about the lack of uniformity throughout  
10 the counties in pretty much every aspect of voting  
11 from the machines themselves to access specifically  
12 for folks who are in pretrial detention, so really  
13 any way that you can cut it or dice it.

14 And I think you were all present during  
15 the last panel when the League of Women Voters  
16 where said, at least five times, the lack of  
17 uniformity is a huge problem.

18 So having heard that, how would you  
19 respond to that? Do you all view that as a huge  
20 problem that has a potential impact in the civil  
21 rights of the voters in Illinois or do you disagree  
22 with that position?

23 MS. EHLER: I haven't spoken. I'll give it a  
24 try. I do think it's a problem. I don't know how



1 -- so there's a lack of uniformity in terms of  
2 training judges, right, which Mr. Davis has already  
3 explored. That is a piece that as technology and  
4 webinars and other modules are available, maybe  
5 there are ways to address that, a more uniform  
6 system and/or for additional training. You know,  
7 if you have a volunteer judge or a judge who, you  
8 know, is first coming to doing -- working with this  
9 sort of technology for the first time, one day of  
10 training for a real, you know, critical event of  
11 running an election, maybe that individual needs a  
12 bit more homework, right, or needs to give it  
13 another go around with the information. So  
14 webinars and other technology platforms might be  
15 useful for that purpose, right, to encourage  
16 consistency across the state.

17 So I wasn't here for all the panel  
18 discussions today, but in terms of the civil rights  
19 issues, you know, we do see some of those coming to  
20 a pressure point, and I think they are worthy of  
21 continued discussion and thinking through what we  
22 can do to address them. I don't know if I have the  
23 answers today, but I think it's absolutely  
24 something we should continue to look at.



1 MR. ORR: Quickly, I'm concerned about the  
2 uniformity, but I don't want to overdo it partly  
3 because certain things you can't solve.

4 One, just quickly on the training.  
5 Remember, there's lots more coordination than I  
6 think people understand. I think it would be a  
7 mistake to try and have one person train everybody,  
8 okay. But as you mention, we share information.  
9 The county clerks meet. They talk to each other.  
10 There are certain -- you have to teach the same  
11 thing. You got to teach -- it's not like, oh, we  
12 teach something different. So people do teach the  
13 same thing. Some have fewer resources, which is  
14 always a problem; but, remember, nowadays, there's  
15 all sorts of new tools that are very important.

16 So training is no longer that one or two  
17 or three days. Training means to deal with the  
18 problem of people maybe getting the wrong ballot is  
19 every place where there's more than one ballot  
20 style in a precinct. We e-mail all those judges.  
21 The rest of them don't have to pay attention. But  
22 those 300 precincts will get an e-mail a week  
23 before the election, the night before the election  
24 reminding, you have three ballot styles in your



1 precinct, don't forget.

2 So nowadays with e-mail and all sorts of  
3 other social media, we can do things that we could  
4 never do before.

5 As the rest of it, be careful about the  
6 uniformity because, you know, uniformity means then  
7 that you got a legislature -- no offense, I  
8 appreciate the things that we've introduced that  
9 they've passed -- but then you kind of get the big  
10 clumsy whatever in the room, and a lot of times we  
11 have problems with our election law because, you  
12 know, it's always not neat. I could give you a lot  
13 of examples, but we don't have time.

14 So I'm not that worried about uniformity  
15 except for things -- the principal, I mentioned  
16 about early voting sites. I'm more concerned about  
17 uniformity nationally than within the state.

18 CHAIRMAN LINARES: Mr. Kazmi has a question.

19 MR. KAZMI: Yes, two questions. The first will  
20 be for Mr. Davis and Ms. Ehler and then real  
21 quickly for Clerk Orr.

22 Question one, what is the purpose of two  
23 forms of IDs? So you two answer that. And then  
24 for the Clerk, I want to hear your perspective of



1 -- we've heard it from three different panels today  
2 how there are 110 different jurisdictions, but we  
3 have 102 counties, and in a lot of other states,  
4 there's only one county -- there's one, I guess,  
5 election official or organization for the whole  
6 county rather than a city. So if you guys could  
7 answer that.

8 MR. DAVIS: As far as the ID requirements, the  
9 two forms of ID, that's only for registration. As  
10 far as the rationale behind it, I can't really  
11 speak to why it was put in Illinois law. It's been  
12 there for as long as I've been with the Board which  
13 has been since 2005.

14 But to establish a residence where that  
15 person is entitled to vote, that specific residence  
16 is, you know, determining what all the different  
17 districts and all the different taxing bodies that  
18 they are voting on representatives for.

19 So I guess it's just to establish, you  
20 know, a safeguard to make sure they are voting in  
21 the proper districts and they're not trying to vote  
22 somewhere elsewhere where they wouldn't have the  
23 same interest as someone who lives in those  
24 districts.



1           So I don't know if that answers your  
2 question. I don't really know that I'm qualified  
3 to -- do you have --

4           MS. EHLER: I agree with Mr. Davis that it's  
5 really to verify residence in that district, in  
6 that specific district. But I think that, you  
7 know, having affidavits and other bases to be able  
8 to present verification on that is always useful  
9 and important because you don't want it to be a  
10 barrier.

11          MR. KAZMI: The reason I ask that is because it  
12 can seem to be a barrier. And so in other states,  
13 the way it's set up is you could have different  
14 ways of satisfying your two forms of  
15 identification, so you may have three documents,  
16 but it decreases the barrier of someone having the  
17 ability to have a state- or government-issued  
18 identification. And so I was wondering if that was  
19 why, you know, when you register, you get these two  
20 that you need to have.

21          MR. DAVIS: Can I respond? The ID  
22 requirements, the two forms, they are pretty loose  
23 requirements. You don't have to have a state ID.  
24 You don't have to have -- if you have a piece of



1 mail that you've received, you know, a telephone  
2 bill or a government document, that will serve as  
3 identification, and only one of the two forms of ID  
4 has to have your current address. So you're  
5 establishing who you are, and with one of those  
6 pieces, you are establishing that you are at that  
7 address, an Illinois resident.

8 MR. ORR: Just one point. I think the most  
9 important thing was just said by my colleagues here  
10 is the address. That's what's really important  
11 here in the future if you want to deal with  
12 potential fraud or a clean list.

13 And so I think frankly it's kind of a  
14 compromise. It's not too much. Most people have  
15 to. People get robbed and have a problem, but we  
16 find ways to deal with that. We do. We give them  
17 a birth record and they can start the process over  
18 again.

19 In terms of consolidation, again, the  
20 point is that we have 102 counties, but we have a  
21 few jurisdictions where for other reasons -- like  
22 Chicago and Cook County, maybe because they're big  
23 jurisdictions, I can't tell you exactly why. So  
24 Chicago has a separate Board of Elections and Cook





1 County, I handle the suburban part of Cook County.

2 My general view is consolidation is smart  
3 everywhere, you know, wherever we can combine  
4 things because, number one, like, let's say, you  
5 know, you're sitting at home and you're so excited  
6 because you think your state rep just won, but  
7 you're only looking at the suburban part, and when  
8 you bring in the city, your state rep lost. So  
9 there's a lot of things that would make it easier  
10 for voters. They're confused why if they move one  
11 block from Chicago to Cook to suburban, they got to  
12 change registration.

13 So, generally, I do think the government,  
14 in general, needs to consolidate wherever they can.  
15 And there's rules to do that, but, of course,  
16 there's so many that are controversial because,  
17 unfortunately, the bottom line for most of us is  
18 political control, what party or what individuals  
19 control that operation. That's why even though I  
20 don't like election officials to be partisan,  
21 Republican or Democrat, electing people frankly in  
22 my view is a lot better than having powerful hidden  
23 interest controlling them.

24 CHAIRMAN LINARES: I'm going to make the



1 Chair's prerogative and ask a question. This is  
2 for Mr. Orr or for anyone on the panel.

3 Mr. Orr, you started with the concept of  
4 making the voting day a holiday. I just wanted to  
5 make my notes clear here on this. And you  
6 mentioned I think a couple things. A hundred  
7 thousand more people or households, but you also  
8 mentioned that we're one of only two nations that  
9 don't do that. And then you concluded at some  
10 point talking about that this is a national issue.  
11 Can you elaborate a little bit on this topic?

12 MR. ORR: Again, almost everybody else in the  
13 world votes on a Sunday or a holiday. Just by  
14 design. And so we've come a long way because it  
15 makes it much harder -- talking about dispirit  
16 impact -- it's much harder for poor and others to  
17 get away or the transportation issues.

18 The difficulty is, you know, we got  
19 federal and state. If I had to do it, you know, I  
20 would do another holiday. Everybody would have a  
21 big -- except my employees would be upset about  
22 that, but, you know, we have Veterans Day. You  
23 know, what better use of Veterans Day but the day  
24 we vote?



1           The difficulty is, of course, statute and  
2 law that, you know, we vote on the second Tuesday  
3 -- or the first Tuesday in November. You know all  
4 the past history. We had to get the harvest in and  
5 people needed time to take the buggy and the horse  
6 to travel from Sunday to Tuesday to vote.

7           We could change that. It would take a  
8 really super effort. And not everybody wants more  
9 people to vote. I hate to say it. And, again,  
10 it's not just Republicans or Democrats, but that's  
11 a big factor in what happens.

12           So we'd be better off, like I say, we  
13 start easy. We could certainly do it in Illinois.  
14 There are many schools that are closed. There's  
15 jurisdictions that are closed; but if, in fact, we  
16 had all schools closed, you would have that great  
17 advantage of having at least the teachers. A  
18 holiday would be great, but I don't think we can  
19 create a new one. We would have to use an existing  
20 one. And whether or not the veterans would wipe me  
21 out, I don't know.

22           CHAIRMAN LINARES: Thank you. Ms. Wortham, you  
23 had a question.

24           MS. WORTHAM: Yes. I wanted to get your help



1 again. Consider this. Someone says that we need  
2 the voter ID in order to prevent voter fraud, and  
3 someone else says there has been no voter fraud,  
4 therefore, we do not need voter ID.

5 Is there a rationale for voter ID that one  
6 can make that is detached from criminalizing the  
7 practice -- the voter criminalizing their voting?

8 MR. ORR: I'll start. Again, in a world where  
9 people are not trying to hurt each other, and like  
10 most of us, we do have voter ID, but it is -- where  
11 people have them a long time, they're free if you  
12 get them replaced, okay. There is no particular  
13 need according to all the studies that have been  
14 done because of voter fraud particularly  
15 impersonating someone.

16 Now, again, I'm worried about fraud.  
17 People do try and cheat. It's still very rare if  
18 you compare it with the hundreds of millions of  
19 people that vote.

20 My problem with the voter ID, if you look  
21 particularly in the last 20 years, when voter IDs  
22 are used surgically for a political purpose, okay.  
23 So when Texas did its voter ID, their goal clearly  
24 was to disenfranchise people. In their brief, they



1 admitted, despite all the powerful attorneys, they  
2 could find not one case of prosecution for voter ID  
3 fraud. But they admitted it in their own brief  
4 that 600,000 Latinos would be knocked off the rolls  
5 because they had the wrong ID.

6 So what I'm suggesting, if you look at the  
7 motives -- for example, the state of Texas said we  
8 are not going to let all the students in Texas who  
9 have a Department of Education ID provided by the  
10 State Department of Education, that's no longer  
11 good. They have to get a new one. That suggests  
12 the motives of the ID are not for fraud. They're  
13 to depress the vote. I don't think there's any  
14 question about that.

15 So the issue is if you're legitimately  
16 concerned about fraud, and we all should be, is  
17 what measures we can take, okay, as opposed to the  
18 ID requirement which I say almost no one has found  
19 examples of people impersonating others, but it  
20 could happen.

21 MS. WORTHAM: Could I just?

22 CHAIRMAN LINARES: A follow-up, yes.

23 MS. WORTHAM: Then am I to conclude all other  
24 things being equal there is no practical use,



1 utility for voter ID? It's more or less --

2 MR. ORR: It's enormously practical.

3 MS. WORTHAM: Well, that's what I'm looking  
4 for.

5 MR. ORR: It helps your side to win. Just look  
6 at these states.

7 MS. WORTHAM: No, I don't mean partisan. Is  
8 there a need to identify oneself as this person and  
9 no one else in the voting process?

10 MR. ORR: We believe, at least in Illinois, we  
11 do that by our registration process. Okay? And  
12 beside what they said earlier, talking about IDs,  
13 we've gone way beyond that now. We have all this  
14 data. We can track people.

15 So the key is, yes, you want to know that  
16 it's really Brent Davis that is voting, and there  
17 are people sometimes that try and cheat.

18 MS. WORTHAM: I don't want to take too much  
19 time. You're helping me out. I just need to get  
20 an objective, clean rationale without any motives  
21 by any human being for this -- the rationale for  
22 the ID, why is it necessary? I'm not  
23 questioning --

24 CHAIRMAN LINARES: And then we'll have to move



1 on.

2 MR. ORR: We can give it to you, but I don't  
3 agree with it. Simply the rationale is, to fight  
4 voter fraud, we need to have photo ID at the  
5 polling place --

6 MS. WORTHAM: I'll talk to you.

7 MR. ORR: -- which I think is wrong.

8 CHAIRMAN LINARES: Ms. Rodriguez had a question  
9 and then Ms. Haleem.

10 MS. RODRIGUEZ: Mr. Orr, you mentioned toward  
11 the end of your testimony or you alluded to money  
12 in voter influencing. You said our current  
13 campaign finance rules drown out the opinion of  
14 someone increasing the influence of others so the  
15 role of money as it relates to access to voting,  
16 voter suppression.

17 Earlier in the first panel, there was a  
18 conversation around redistricting and the impact  
19 that redistricting has in access to voting, just  
20 voting in general. So I was wondering if you were  
21 alluding to that or you can expand on your comment  
22 relating to campaign finance.

23 MR. ORR: I wasn't alluding to redistricting,  
24 but that's a major problem. Again, remember, we



1 have to honest. We can't smooth it all over. You  
2 can have states that have a particular party where  
3 they have votes but they do not have legislators,  
4 and when you have that, something smells, you got  
5 redistricting.

6 My point on the money -- you know, the  
7 things we're talking about, the dispirit impact,  
8 okay, that pales in significance. Just think of  
9 the money we're talking about, okay, when  
10 billionaires can spend as much as they want and  
11 the Court basically says that is free speech.  
12 Remember, it's not just that. It's just not that  
13 some people may be elected that normally wouldn't.  
14 It goes beyond that.

15 Now we have powerful folks, and I'll pick  
16 on both the Mayor and the Governor, who raise tens  
17 of millions of dollars on the side that basically  
18 say, you, legislator, do what I want or I will  
19 crush you. Very simple. And they do.

20 That's why our AVR did not -- they had a  
21 lot of Republican support, but they wouldn't go up  
22 against the Governor when it came to overriding the  
23 veto. That's their choice.

24 It goes further than that. When you take





1 the money, what happens? You have campaigns now --  
2 it used to be a campaign which would start in  
3 September. You have campaigns, the last  
4 presidential campaign went for 14 months. You're  
5 talking about hundreds of millions of dollars that  
6 goes for 14 months. Who can run that? Okay. And  
7 what is all that money spent for? Some of the  
8 worst ads in the world that has an enormous effect  
9 on turning people off. Okay.

10 So everything we're doing is unfortunately  
11 different than the rest of the world, although,  
12 unfortunately, some of the world is beginning to  
13 monitor us. So when you don't have the limits --  
14 you know, when March comes, the negative ads start  
15 the day after March instead of what used to be  
16 September.

17 So when you think about all those impacts,  
18 that does have a dispirit impact because not  
19 everybody has a hundred million dollars. And just  
20 the Republican alone with more than a hundred  
21 million that they spent I believe in 2014, of that  
22 hundred some million, over half of it came from  
23 three billionaires. Your governor, Mr. Ken Griffin  
24 and I can't pronounce his name, Mr. Eulert. No



1 offense. I wish I had the money, too. But that is  
2 an enormous impact, and it also shapes the public  
3 policy, and when the public policy doesn't follow  
4 elections, what people vote for, that's why people  
5 give up and so forth.

6 I can't overestimate -- if we had time,  
7 though, there's a lot of good things going on in  
8 the country to try and counteract that which we  
9 should think about here in Illinois like Seattle.  
10 Every citizen gets four \$25 coupons, okay, to give  
11 to their favorite candidates as a way of trying to  
12 equalize.

13 So I got nothing against a millionaire,  
14 but I would like to see good people up there if  
15 you're a good candidate but you can't afford to get  
16 in. So we balance off the super wealthy with lots  
17 of smaller contributions. There's a lot of good  
18 stuff out there.

19 CHAIRMAN LINARES: Ms. Haleem?

20 MS. HALEEM: So we heard a lot today about  
21 barriers to voting or just some of the barriers are  
22 complicated, it's going to take time to overcome.  
23 And some things seem to be really low-hanging  
24 fruit, like either election judges are misinformed



1 or don't want to learn new things or whatever.

2 So why not -- just like when you are at  
3 the airport and the TSA has a sign, number one,  
4 shoes, number two, this, number three. So at  
5 polling places that you don't need to show your ID,  
6 if you need help, you know, you can get somebody or  
7 whatever. So those types of things that trumps any  
8 personal misinterpretations from the election  
9 judges. Is that -- would that be possible?

10 MS. EHLER: That is currently happening in some  
11 locations. I've monitored both Cook County and  
12 DuPage County elections over the last two years,  
13 and there are similar signs. Most of them are only  
14 in English. I will say that. But I think there  
15 are trends in that direction.

16 MR. ORR: There's a lot of stuff. We have Bill  
17 of Rights. We do a lot of things like that. The  
18 challenge when we're dealing with a number of  
19 people, as Brent said, is you have got people that  
20 are just old-fashioned. And sometimes we will  
21 bring in people that talk about how you deal with  
22 those with disabilities or certain language  
23 minorities. You know, let's face it, a lot of  
24 people speak English.



1           So we have to educate our judges, but,  
2   remember, we don't have total control over them  
3   when we only have a few hours to train them. So  
4   what we try and do is bring in groups who represent  
5   these various issues and have them talk with  
6   judges, too, but we have limited time.

7           So we're trying to do that, and I think at  
8   least -- I think our judge training in suburban  
9   Cook is really good now. We're getting  
10   increasingly lots of good people, but with as many  
11   we have, we get some that are not so good.

12         MS. HALEEM: The signs would just be like  
13   neutral so it's not left up to the judges to --

14         MS. EHLER: Yes.

15         MS. HALEEM: This would be for everyone, too.

16         MR. ORR: Very practically, there's so many  
17   signs that we have to put up, okay, that part of  
18   the judgment here is how do we do it? You have  
19   this sign, this sign, this sign. But the point is  
20   a really good one. The more we can educate our  
21   people to point, to look at those key things, okay,  
22   to really be sensitive particularly when you're  
23   dealing with both the language accessibility and  
24   particularly folks with disabilities.



1 MR. DAVIS: Just to kind of echo what Mr. Orr  
2 said, there are a lot of signs already in the  
3 polling place and to make us, you know, have more I  
4 think is not a bad idea; but in order to have it in  
5 every polling place, it takes legislation to  
6 require it. I mean, there is legislation that  
7 requires voter instructions to be in there, sample  
8 ballots to be posted, all of those sorts of things;  
9 and, again, this uniformity just takes a state law  
10 basically.

11 CHAIRMAN LINARES: Mr. Howard, you got a  
12 question?

13 MR. HOWARD: For Mr. Orr, you stress the  
14 problem of voter suppression and, to me, that  
15 implies an actor, a suppressor. So I'm a little  
16 hazy. Are there bad actors that are suppressing  
17 the vote? And who might they be? Or is it the  
18 result of legislation, ID requirements, inadequate  
19 procedures? How do you see the suppression notion?

20 MR. ORR: Well, since there's so much, I would  
21 focus on the intentional suppression, okay, that  
22 often leads to the laws you mentioned.

23 We all talked about voter ID. I'll give  
24 you a very blatant one, okay. If one wants to



1 study, and this is not Illinois, okay, and this is  
2 Democrats, okay. If one wants to study the south,  
3 okay, and particularly how they deal with felons,  
4 okay, you can read the language. Senator so-and-so  
5 in 1898 said, now, listen, here's what we're going  
6 to do, he said it publicly, okay, we're going to  
7 have all these laws, it's a felony to spit on the  
8 sidewalk, we're going to arrest every black person  
9 we have and give them a felony, they're never going  
10 to vote again. That is what they said and that is  
11 what they did.

12 And you still have hundreds of thousands  
13 of people, okay. The election in Florida would  
14 never have been close in 2000. If you look at all  
15 the people who we denied the right to vote because  
16 they're permanent felons for spitting on the  
17 sidewalk. That is one of the felonies.

18 And you see what's going on in Virginia,  
19 North Carolina, Florida, and Texas. Those are what  
20 I call intentional voter suppression.

21 Now the good ol' Chicago machine was very  
22 good at intentional voter suppression. The voter  
23 ID is one, or when the woman in Milwaukee bragged  
24 that we have to cut down early voting because too



1 many minorities are voting early.

2           There is a serious move -- and not  
3 everybody. I'm not condemning everyone, but people  
4 understand -- those people understand that voting  
5 is power and they want to win. And I guess we have  
6 to be very aware of it. They may be good people.  
7 There's going to be good people that certainly  
8 believe in the photo ID. I'm not going to condemn  
9 them. But if you look, like I said before, at  
10 particular motivations, if it's a photo ID that  
11 four years from now, everybody's got it and if you  
12 lose it, we're going to replace it, that's a  
13 totally different concept than what Pennsylvania  
14 did with six months before election, 800,000 people  
15 will be disenfranchised, and they didn't even have  
16 a system set up to allow those people to get new  
17 IDs. Or Texas, where they have 60 county seats  
18 where they don't even give out IDs because Texas is  
19 so big.

20           So my point there is where there's  
21 intentional, and if you look at some of the  
22 language, that sometimes people are not as coy as  
23 they should be. Now there's other things that  
24 could be unintentional.



1 But those things are on the rise in this  
2 country, particularly, like I said, as soon as the  
3 Supreme Court gutted the Voting Rights Act within  
4 weeks, hundreds of pieces of legislation were  
5 entered all through those states that before had to  
6 have preclearance. So it's a very serious problem  
7 and it's happening in lots of places.

8 MR. HOWARD: Thank you.

9 MR. ORR: As a politician, I can say all these  
10 things. I'm not sure my colleagues can.

11 CHAIRMAN LINARES: Other questions? None  
12 heard. Before we dismiss our panelists, I want to  
13 remind everyone, we have open -- public comment  
14 coming right after this.

15 So with that, Ms. Ehler, Mr. Orr,  
16 Ms. Davis, thank you for your testimony. Thank you  
17 for coming out. Your session is closed. Thank  
18 you.

19 And I'm going to ask the staff here if we  
20 have members of the public who have signed up for  
21 public comment. If so, how many so we can time  
22 them? And we know we have a few of our committee  
23 members that have to leave.

24 We do have one member, Brian Gladstein, if





1 you want to approach the table. So the public  
2 comment period is open till 5 p.m. I won't say you  
3 have all 45 minutes, but we'll allot you,  
4 Mr. Gladstein --

5 MR. GLADSTEIN: Just me?

6 CHAIRMAN LINARES: Yeah, it is just you.

7 MR. GLADSTEIN: I get an hour?

8 CHAIRMAN LINARES: No, you don't. But you if  
9 you want to take ten minutes, go for it, and thank  
10 you for coming. Give your name, your organization.

11 MR. GLADSTEIN: Brian Gladstein. I'm the  
12 Executive Director of Common Cause Illinois. Thank  
13 you for having this today. I'll be short. I don't  
14 even know if I'll use ten minutes. My colleagues I  
15 know throughout the day have been -- I've gotten  
16 texts and I have gotten posts about some of the  
17 same things that I want to talk about.

18 But just for people who don't know about  
19 Common Cause, we are an organization that was  
20 started in 1970. We have approximately 700,000  
21 members across the country in 35 states including  
22 Illinois where we have now 27,000 members. We  
23 actually had 13,000 a year ago. So Common Cause  
24 Illinois re-established itself four years ago.



1           We work on two major priority issues in  
2 Illinois. Naturally we work on redistricting and  
3 we work on money and politics -- I mean, media and  
4 politics and a variety of other issues; but here in  
5 Illinois it's been voting rights over the last four  
6 and a half years and it's been money and politics.  
7 And so David just talked a little bit about money  
8 and politics so I can actually address that as  
9 well. That might be something a little bit unique  
10 than what you've heard so far today.

11           We've been one of the founding groups to  
12 create the Just Democracy Coalition that you  
13 probably heard throughout the day where we were  
14 able to help with on-line voter registration get  
15 over the finish line and for passing same day  
16 registration. And now we're working on automatic  
17 voter registration to get over a million people  
18 automatically registered. Common Cause was  
19 instrumental in getting it passed in Oregon as well  
20 as California which are two very unique models, and  
21 right now -- last year, we introduced the Oregon  
22 model and now we're working to introduce the  
23 California model in order to get bipartisan support  
24 and, hopefully, support from our Governor who has



1 so far vetoed the first attempt at automatic voter  
2 registration.

3 So I have a long testimony, but I will  
4 just put it into -- for you guys to put it in the  
5 record, but let me just read a few things out of  
6 this that I thought might be helpful.

7 So as one of the organizations that is out  
8 on the front lines, we are sad to report that our  
9 democracy is under assault. On the national level,  
10 we have seen states move to gut the preclearance  
11 protections offered by Section 5 of the national  
12 Voting Rights Act. Following the United States  
13 Supreme Court's shameful decision in the Shelby  
14 County, Alabama, first holder decision, from Ohio  
15 to Texas to California, many states and governments  
16 have been implementing abhorrent voting practices  
17 that have people barred with racial discriminatory  
18 impact.

19 Meanwhile, after citizens united, our  
20 political systems have become flooded by oversized  
21 campaign contributions from a handful of wealthy  
22 individual donors and special interest groups.

23 So from a national perspective, we are  
24 concerned about what is happening at the state



1 level from North Carolina to Texas that you guys  
2 were just talking about. We've been concerned  
3 about the Voting Rights Act and what has happened  
4 in terms of gutting that. Those are two things  
5 that we work on throughout the country in DC as  
6 well as in the states. We're also very concerned  
7 about the issue of money and politics.

8 So nationally, we have been able to pass  
9 different options that would result in limiting  
10 control of special interest on our election system.  
11 In New York City, in Los Angeles, in Connecticut,  
12 one county, we were able to pass it on the East  
13 Coast for the first time; and now we are working  
14 hard to introduce it at the city level, City of  
15 Chicago.

16 Last year, we had an ordinance that was  
17 introduced which is a small donor public financing  
18 system. It was introduced based off of New York  
19 City's model which would limit campaign  
20 contributions to an amount of \$500 in aggregate per  
21 election cycle per donor. The first \$175 would be  
22 matched in a public fund 6 to 1. So in New York  
23 it's 6 to 1. In LA, it's 4 to 1. 6 to 1 has been  
24 known by experts across the country as kind of the



1 sweet spot in terms of enough money for candidates  
2 to really want to be enticed to use the system.  
3 And the idea is that if you're giving \$50, if  
4 you're giving a hundred dollars, you're not putting  
5 that control from lobbyist and big special interest  
6 or corporations on the elections. Instead, it's  
7 constituents that are being involved.

8 In New York City, we saw a rise in  
9 political participation throughout the system which  
10 the more people that are giving money into  
11 elections, as long as it's small donors in our  
12 mind, more likely that they're going to go to the  
13 ballot box on election day which is really, at the  
14 end of the day, what we are all about, wanting to  
15 increase civic engagement as well as breaking the  
16 barriers to the ballot box.

17 In Illinois, we saw just last year  
18 \$150 million spent on our state races. And right  
19 after the election, \$50 million was dropped by the  
20 Governor for a first-time installment two years  
21 prior to his next election. So it's really hard  
22 for people and communities to get faith back into  
23 their government while there's millions of dollars  
24 being spent to effect elections.



1           Some we can control -- we can't control,  
2 I'm sorry, because of Citizens United and Super  
3 PAC, but there are ways for us to combat that like  
4 the small donor public finance system which a few  
5 weeks ago we introduced also at the state level.  
6 Senator Daniel Biss introduced that a few weeks  
7 ago. We are working to try to get that passed out  
8 of the Senate this session.

9           So we kind of feel like these two things  
10 converged, and we saw that on automatic voter  
11 registration. I don't know if anyone mentioned  
12 this earlier today. The responses we were getting  
13 from Republicans in the House, we got 15 House  
14 Representatives to support -- Republicans to  
15 support the bill and 13 in the Senate to support  
16 the bill.

17           Historically, what we've seen across the  
18 country is voting rights does not get bipartisan  
19 support when you're talking about expanding the  
20 franchise. We were able to do that here in  
21 Illinois; but most all the Republican votes flipped  
22 after hundreds of thousands to a million dollars  
23 was given by our Governor and right-wing PACs to  
24 make sure that they would not vote for the



1 automatic voter registration bill. And we had  
2 testimonies from -- not official testimony, but we  
3 have conversations with elected officials saying  
4 that they had no choice but they had to flip their  
5 vote because of the campaign contributions they  
6 received.

7           So even though this is about voting  
8 rights, the money and politics issue I think is  
9 something that is vitally important as well as  
10 everything people talked about to modernizing our  
11 system and better training for judges.

12           We do nonpartisan poll watching every  
13 year. We had a hundred poll watchers out in  
14 November, and what we have experienced more than  
15 anything else has been the lack of resources that  
16 are happening in the precincts and the challenge  
17 with all the different databases and information  
18 being funneled because we are in a system that is  
19 not one uniform system. It does make things very  
20 difficult on election day. And there are not  
21 enough nonpartisan poll watchers out there because  
22 we do see poll watchers that are with parties more  
23 than they are with trying to protect the vote.

24           So that's some of the things in my



1 testimony, but I'll just kind of stop there.

2 CHAIRMAN LINARES: Thank you, Mr. Gladstein.  
3 would you be willing to take a question or two?

4 MR. GLADSTEIN: I would.

5 CHAIRMAN LINARES: Does anyone on the panel  
6 have a question, on the committee? I do actually.  
7 I have one question. Ms. Wortham, please.

8 MS. WORTHAM: The congressmen who said that  
9 they flipped their vote because they were able to  
10 obtain funding, is there any way to obtain  
11 statements from these people to that effect? Or is  
12 this just anecdotal?

13 MR. GLADSTEIN: It's anecdotal.

14 MS. WORTHAM: I don't like anecdotal.

15 MR. GLADSTEIN: So I'm not putting that into  
16 the record.

17 MS. WORTHAM: I'm serious about that.

18 MR. GLADSTEIN: So what I would say in terms of  
19 being like on the record is that the pressure that  
20 it takes on State Representatives, Congress people,  
21 either State Representatives to deal with making  
22 policy that's right by the people and their  
23 constituents is really hard when they get the  
24 pressure of lobbyists and big money. And that





1 played out with automatic voter registration.

2 If I could get stories, I would love to,  
3 but that would force you guys in the future --

4 CHAIRMAN LINARES: Just to move forward, too.  
5 So your statements will definitely be on the  
6 record, and whether we have someone else's  
7 statements who are not here, it is your statement  
8 that will be on the record.

9 With that said, I do have a question.  
10 It's probably because it's the end of the day, I'm  
11 not thinking clear headed right now, but you  
12 mentioned the 6 to 1 match. Can you elaborate on  
13 that? I'm just not thinking clearly on how that  
14 would work.

15 MR. GLADSTEIN: So the way the system would  
16 work is there's a public fund that if a candidate  
17 decides to elect -- they have to voluntarily elect  
18 to be in the system. The Supreme Court says that  
19 you cannot force an elected official into a public  
20 financing system. Then there's a rule that they  
21 have to abide by. The main one is that they cannot  
22 receive any donation more than \$500 during an  
23 election cycle from an individual donor. So they  
24 can receive five donations, but none of them can



1 be, total, \$501 or more. And if you're in that  
2 system, the first \$175 from each of those donors  
3 would be matched 6 to 1.

4 So if you're running for office, and I  
5 give you a hundred dollars, then mine would be  
6 matched 6 to 1. So a public fund would kick in  
7 \$600 plus my \$100 where I started. So it's \$700  
8 total. Right? I don't have the influence because  
9 all I do is give you a hundred dollars; but now you  
10 have six times the amount of resources to run  
11 campaigns. And I'm now engaged because I gave  
12 money into the electoral process. It is more  
13 likely that I will then not only go the ballot box  
14 but be involved in the political process moving  
15 forward if I actually wrote a check or gave money  
16 in some way to you as a candidate.

17 MR. KAZMI: We have a joint question. Who is  
18 financing the public fund?

19 MR. GLADSTEIN: I was waiting for that  
20 question. So in the systems across the country, it  
21 is the part of the general fund of a city or a  
22 county. In Chicago, for example, it is .01 percent  
23 of the whole budget. It would take about -- a  
24 cadillac version would be about \$8 million of a



1 \$8 billion budget.

2 It sounds like potentially a lot of money  
3 when you say \$8 million, but it's also a small  
4 percentage to transform the system. There have  
5 been also conversations about taxes and other means  
6 and contributions from corporations to help to  
7 balance that out.

8 CHAIRMAN LINARES: Questions from those who  
9 have not asked yet? Thank you so much for your  
10 public comments today. With that, any other  
11 concluding thoughts from the Committee?

12 well, thank you everyone for being here.  
13 Thank you to the Committee for your questions.  
14 Thank you to the audience for being here. Thank  
15 you to the staff for organizing this. Thank you to  
16 the transcriber for being here all day and working  
17 with us.

18 With that, I'm going to gavel one more  
19 time. We are adjourned. Thank you.

20 (Whereupon, the Public Hearing  
21 adjourned at 4:26 o'clock p.m.)  
22  
23  
24



1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF W I L L )

4  
5 ANNA M. MORALES, as an Officer of the  
6 Court, says that she is a shorthand reporter doing  
7 business in the State of Illinois; that she  
8 reported in shorthand the proceedings of said  
9 Public Hearing, and that the foregoing is a true  
10 and correct transcript of her shorthand notes so  
11 taken as aforesaid, and contains the proceedings  
12 given at said Public Hearing.

13 IN TESTIMONY WHEREOF: I have hereunto set  
14 my verified digital signature this 20th day of  
15 March, 2017.

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21 Illinois Certified Shorthand Reporter  
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